

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DURANT TISDALE,

Plaintiff,

v.

CITY OF PHILADELPHIA et al.

Defendants.

:
:
:
:
:
:
:
:
:

**Civil Action
No. 15-5209**

**APPENDIX TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 56**

Exhibit "A"	Complaint/Incident Report	#1
Exhibit "B"	Biographical Information Report	#2
Exhibit "C"	Philadelphia Police Department Arrest Report	#3-4
Exhibit "D"	Interview: P/O Timothy Gibson	#5
Exhibit "E"	Interview: Brenda Lee	#6
Exhibit "F"	Police Photograph of Plaintiff	#7
Exhibit "G"	Deposition Transcript of Plaintiff	#8-53
Exhibit "H"	Deposition Transcript of P/O Timothy Gibson	#54-98
Exhibit "I"	Deposition Transcript of Det. David Sherwood	#99-135
Exhibit "J"	Deposition Transcript of P/O Robert Whitaker	#15-5209

Date: January 29, 2016

/s/ Aaron Shotland
Aaron Shotland
Assistant City Solicitor
City of Philadelphia Law Dept.
1515 Arch Street, 14th Floor
Philadelphia, PA 19102-1595

215-683-5434 ▪ (fax)215-683-5397

PHILADELPHIA POLICE DEPARTMENT

COMPLAINT OR INCIDENT REPORT

YEAR 13	DIST/OCC. 26	D.C. NO. 33674	SECT. 1	DIST. 22	VEH. NO. BK11	REPORT DATE 07-05-13
CRIME OR INCIDENT CLASSIFICATION R. M. Long			CODE 510	TIME OUT 1102	TIME IN 1125	
LOCATION OF OCCURRENCE 2220 N Delhi				TYPE OF PREM. OUT 070		
DATE OF OCCUR. 07-05-13	DAY CODE 5	TIME OF OCCUR. 1102	NATURE OF INJURY None			
COMPLAINANT Brian P. Stewart		AGE 53	RACE B	SEX M	PHONE (HOME) 215-494-8100	
ADDRESS 142 W JACKSON					PHONE (BUSINESS)	
FOUNDED <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	REPORT TO FOLLOW <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Close Out		UNIT	CODE	INV. CONT NO.	
WITNESS <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	TRACEABLE PROP. <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	UNIQUE DESCRIPTION OF OFFENDER <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		OTHER EVIDENCE <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
DESCRIPTION OF INCIDENT (Include Description of Crime Scene if Applicable) R/C - Arrest						
Police received r/c for TIP at the abv location. Flash given was B/M BIK shirt/white Hat. Police obsv below witness and below offender at 1000 Arizona. Witness stated to Police she obsv offender take white.						
WITNESS Brenda Lee	ADDRESS 2216 Delhi		PHONE NO. 215-267-716-1565			
OFFENDER INFORMATION Duran + Tisdale 07-02-00						
301 E Erie 01N/30076238						
PROPERTY DESCRIPTION (Include Make, Model, Color and Serial No. Where Applicable)		PROP. CODE B	INSURED <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	STOLEN VALUE \$1500		
Grate to basement window from abv compl property at abv location. Male placed under arrest transported to EOD. Police surveyed area for grate w/						
VEHICLE 1 - OWNER'S NAME Negative results.		VEHICLE 2 - OWNER'S NAME				
VEHICLE 1 - OPERATOR'S NAME		VEHICLE 2 - OPERATOR'S NAME				
WANTED/STOLEN MESSAGE SENT General No. Date		DIST. UNIT TERMINAL	RECEIPT NO.	SENT BY		
REPORT PREPARED BY Plo Gibson Plo White		NO. 4742	DIST. UNIT BK11	TOTAL PAGES 1	PAGE NO. 1	
REVIEWED BY Plo Gibson		NO. 26	DIST. UNIT	REFERRAL DATE	GEN NO.	
PURSUANT TO ACT 115 OF 1993, THE BELOW PERSON ACKNOWLEDGES RECEIPT OF THE NOTIFICATION DELINQUENCY SERVICES FORM:						

75-48 Form (Rev. 11/09)

271264/271272

BIOGRAPHICAL INFORMATION REPORT

☒ **ARREST** ☐ **INVESTIGATION** ☐ **OTHER**
 (CHECK BLOCKS WHERE DOCUMENTATION EXISTS)

PHILADELPHIA POLICE DEPARTMENT

DATE 2-5-13	TIME 1140 pm	LOCATION OF INITIAL CONTACT 1000 Arizona		DISTRICT 22	D.C. NO. 13-26-033674	
NAME LAST Durnt		FIRST Tishak	MIDDLE	D.O.B. 2-2-60	SEX m	RACE Blk
HEIGHT 5'9	WEIGHT 185	HAIR COLOR Grey	EYE COLOR Brn	COMPLEXION Med	BUILD Med	GLASSES (YES/NO) No
NICKNAME na		ALIASES na		FACIAL HAIR Goatee		MARITAL STATUS Single
RESIDENCE STREET NUMBER/NAME 301 W. Erie St				CITY/STATE (OTHER THAN PHILA.) PHILA. PA		DIST 59
TYPE OF RESIDENCE House		RESIDES WITH Alone		DRIVER NUMBER		STATE
SOCIAL SECURITY NUMBER 261520701		OCCUPATION NA		EMPLOYER/ADDRESS NA		
PLACE OF BIRTH/CITY, STATE PHILA. PA		GROUP AFFILIATION		ETHNIC BACKGROUND		
SCARS, TATTOOS, DEFORMITIES		CLOTHING DESCRIPTION			JEWELRY WORK	

VEHICLE INFORMATION

YEAR	MAKE	MODEL	COLOR	STATE	TAG	VIN
1.						
2.						

OWNER-LAST NAME, FIRST	ADDRESS	CITY	STATE
1.			
2.			

MODUS OPERANDI (METHODS, TRAITS, ETC.)**AREAS FREQUENTED**

Philadelphia Police Department Arrest Report

Page 1 of 2 PARS

Defendant: last name: **TISDALE** Sex: **Male** SSN: **689-25-6132** DOB: **07/02/1960**
 first name: **DURANT TYRONE** middle initial: Race: **Black** Birth Place: **Philadelphia**

Address: **2341 N 20 AV Philadelphia PA 19121-** Phone #: **215-000-0000**

Year: **2013** District: **26** DC#: **13-26-033674** PSA: **2** Ctrl#: **00000**
 PID: **0552509** SID: **13017905** OTN: **N8703310** Event: **152078205** CBN: **1223706**
 Crime Class: **620** Desc: **theft except auto theft \$50 - \$199.99 pocket picking** Authority: **Philadelphia Police Department**
 DFJ: **N** FBI / FID: **719915T9**

Arrest Name: **DURANT TISDALE** DOB: **00/00/0000** SSN:

Address given to PPD: **301 W erie AV Philadelphia PA 19133**

ARREST INFORMATION:

Date / Time: **07/05/2013 11:40PM** District: **26** Inside/Outside: **O** Arrest Type: **SA**
1000 W Arizona ST Philadelphia PA 19101-
 Slating Date: **07/06/2013** Slating Time: **01:04AM** Sum/Warr: Issued By **AC Magistrate:**

OCCURRENCE:

Date / Time: **07/05/2013 11:02PM** Date reported: **07/05/2013 11:02PM** Inside/Outside: **O** Codefendants?: **N**
2220 N DELHI ST Philadelphia PA 19101-

Gun Involved: **N** Gun Discharged: **N** Shooting Victim: **N**

FACTS OF THE CASE:

ON 7-6-13 AT APPROX. 11PM THE WITNESS STATED THAT SHE WAS AT HER FRONT DOOR AND OBSERVED THE OFFENDER BENDING DOWN AT HER NEIGHBORS BASEMENT WINDOW. THE WITNESS OBSERVED A SHOPPING CART ON THE SIDEWALK. THE WITNESS GRABBED HER PHONE AND CALLED 911 WHAT WAS HAPPENING. THE OFFENDER WALKED AWAY WITH A WINDOW GRATE AND PUT THE WINDOW GRATE IN THE SHOPPING CART. THE WITNESS STAYED ON THE PHONE WITH 911 AND FOLLOWED THE OFFENDER TO 11TH AND ARIZONA WHERE POLICE STOPPED THE OFFENDER. THE WITNESS TOLD THE POLICE WHAT THE MALE HAD DONE AND TOOK THE MALE INTO CUSTODY. THE WINDOW GRATE WAS NOT RECOVERED.

CHARGES:

Code	OC	Description	Grade	Counts
CC3921		THEFT-UNLWF TAKING	M	001
CC3925		THEFT-RSP	M	001

REQUESTED HEARING DATE:

07/10/2013 00:00

REQUESTED HEARING LOCATION:

603 CJC: 1301 Filbert Street

COMPLAINANTS AND WITNESSES:**Complainant(s)**

BRIAN STEWART Age: 35 Phone(H): 267-716-1565 Phone(W): 215-000-0000 SSN: - -
 2220 delhi ST Philadelphia PA 19101-

Witness(es)

BRENDA LEE Age: 52 Phone(H): 267-716-1565 Phone(W): 215-000-0000 SSN: - -
 2216 Delhi ST Philadelphia PA 19101-

ARREST REPORT BY:

220177 SHERWOOD DAVID

Badge Description

714 59 East Detective Division

Unit Id Platoon Squad Group Id
 0 3 B

ARREST REPORT APPROVED BY:

Supervisor- payroll no: SMITH JASON 219622 Approval Code: Approved

POLICE PERSONNEL:

Employee Name	Payroll Number	Badge	Dist/Unit	Platoon/Group	Vacation Dates	Vacation Description	Needed At Hearing Police/Sup	Arrest OFC.
SHERWOOD DAVID	220177	714	59/0	3B	07/09/2013 to 07/09/2013	Training	Y / N	N
SHERWOOD DAVID				B	07/26/2013 to 08/16/2013	Vacation	Y / N	N
GIBSON TIMOTHY TIMOTHY	271264	4742	22/0	5A	09/15/2013 to 09/23/2013	Vacation	Y / Y	Y

ADDITIONAL INFORMATION:

Hits: Y Statement?: Lab User Fees Requested?: N ADA Concerns?:

Philadelphia Police Department Arrest ReportPage 2 of 2 *PARS*

Defendant: last name: TISDALE	Sex: Male	SSN: 689-25-6132	DOB: 07/02/1960
first name: DURANT TYRONE	middle initial: Race: Black	Birth Place: Philadelphia	

EMPLOYER INFORMATION:

Occupation: unemployed

Employer: unknown

Phone: 215-000-0000

0000 0 unknown 00 APT/Suite: 0000 Philadelphia PA -

DESCRIPTIVE DATA:

Complexion	CLEAR	Eye Characteristics	NORMAL
Eye Color	BRO	Facial Hair	BEARD W _MUSTACHE
Glasses (Y=Yes)	0	Hair Color	GRY
Hair Length	EAR LENGTH	Hair Style	CURLY
Teeth	NORMAL		



**INVESTIGATION INTERVIEW RECORD
PHILADELPHIA
POLICE DEPARTMENT
EAST DETECTIVE DIVISION**

NAME: P/O Gibson #4742, PR# 271264						AGE:		RACE: White		SEX: Male		DOB:			
ADDRESS: 22 nd District						APT. NO.:				PHONE:					
NAME OF EMPLOYMENT/SCHOOL: City of Phila/.						SOC. SEC. NO.:									
ADDRESS OF EMPLOYMENT/SCHOOL:						DEPARTMENT:				PHONE NO.:					
DATES OF PLANNED VACATIONS:															
DATES OF PLANNED BUSINESS TRIPS:															
NAME OF CLOSE RELATIVE:															
ADDRESS:										PHONE NO.					
PLACE OF INTERVIEW: EDD						DATE: 7/6/13				TIME: 12:30a					
BROUGHT IN BY:						DATE:				TIME:					
WE ARE QUESTIONING YOU CONCERNING: Theft.															
WARNINGS GIVEN BY:						DATE:				TIME:					
ANSWERS:		(1)		(2)		(3)		(4)		(5)		(6)		(7)	

Q. What was your tour of duty and assignment?
A. 6p x 2a, 22Bike11.

Q. What happened tonight that brings you here?
A. I was working with my partner P/O Whittaker #2393, PR#271272 in full uniform and operating a marked police vehicle. We received a radio call of a theft in progress from 2200 Delhi. Flash given was a black male wearing a black shirt and white hat last seen in the area of 10th and Dakota. We surveyed the area and observed the defendant and witness at 1000 Arizona Street. Upon investigation, the witness stated to police that she observed the defendant take a white grate from the basement window at 2220 Delhi Street. Police placed the defendant in custody. No grate was recovered from defendant. With help from witness I was able to contact the owner Brian Stewart by cell phone. The defendant was transported to EDD for processing.

Q. Is there anything else you want to add to this interview?
A. No

[Handwritten Signature] #4742 07-06-13

INVESTIGATION INTERVIEW RECORD		PHILADELPHIA POLICE DEPARTMENT EAST DETECTIVES		CASE#	
NAME	AGE	RACE/SEX	INTERVIEWER:		
Brenda Lee	52	B/F	DET SHERWOOD #714		
ADDRESS	APT#		DOB		
2216 Delhi Street			4/26/61		
NAME OF EMPLOYER / SCHOOL			PHONE#		
			267 716 1565		
ADDRESS OF EMPLOYER / SCHOOL			SS#		
			PHONE#		
DATES OF PLANNED VACATION / BUSINESS TRIPS					
NAME OF CLOSE RELATIVE			RELATIONSHIP		
ADDRESS OF RELATIVE			PHONE#		
PLACE OF INTERVIEW			DATE	TIME	
EDD			7/6/13	1220a	
BROUGHT IN BY			DATE	TIME	
Self			7/6/13	1200a	
WE ARE QUESTIONING YOU CONCERNING:					
theft.					
WARNINGS GIVEN BY:			DATE	TIME	
ANSWERS:					
(1)	(2)	(3)	(4)	(5)	(6)
					(7)

Q. What happened tonight that brings you here?

A. I was at my front of my house at 2216 Delhi Street and I seen a male bending down at my neighbors house and I noticed a shopping cart on the sidewalk. I grabbed my phone and went outside as the male was walking away with the shopping cart. I noticed that my neighbors cellar window grate was missing. I called 911 and gave a description of the male. I then followed the male in my car and stayed on the phone with 911. The police stopped the male at 11th and Arizona Street and I told the police that that is the male that stole the window grate. The male did not have the grate on him when the police stopped him.

Q. What is your neighbors address?

A. 2220 Delhi Street. It's my cousins house.

Q. Can you describe the male?

A. B/M wearing a white hat turned backwards, black pants and a black shirt.

Q. Had you seen him before?

A. No.

Q. What is your neighbors name?

A. Brian Stewart. He is my cousin.

Q. Was your neighbor home?

A. No.

Q. Have you spoke to Brian tonight?

A. Yes.

Q. Did he give the male permission to take the grate?

A. No.

Q. Is there anything else you want to add to this interview?

A. No.

7-6-13
Brenda Lee

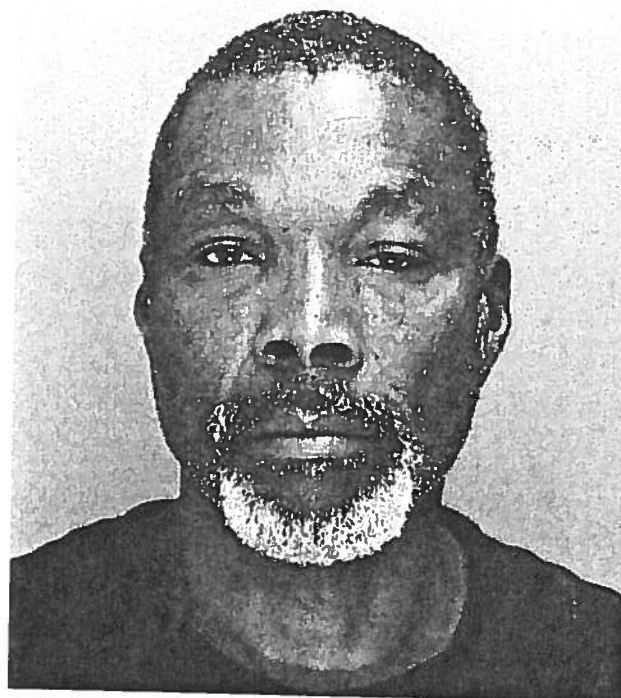
RECORD	CHECKED BY:
YES NO	
REVIEWED BY:	



Philadelphia Police Department

EVENT#: 152078205
PID#: 552509
NAME: DURANT TYRONE
TISDALE
ARREST DATE: Jul 6 2013 8:21AM
AGE AT ARREST: 53
HEIGHT: 509
WEIGHT: 185
HAIR COLOR: GRAY OR PART
EYE COLOR: BROWN

Phil
Arrestee DATABASE



**FOR INVESTIGATION ONLY
NOT FOR IDENTIFICATION
DESTROY AFTER 90 DAYS**

Printed Philadelphia PD:

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
CIVIL TRIAL DIVISION

- - -

DURANT T. TISDALE,	:	CIVIL ACTION
Plaintiff,	:	
	:	
vs.	:	
	:	NO. 15-5209
THE CITY OF PHILADELPHIA:	:	
LAW DEPARTMENT, et al.,	:	
Defendants.	:	

ORIGINAL

- - -

Oral Deposition of DURANT T. TISDALE,
held in the offices of CITY OF PHILADELPHIA LAW
DEPARTMENT, One Parkway Building, 1515 Arch Street,
14th Floor, Philadelphia, Pennsylvania, on
Friday, January 8, 2016, beginning at 1:49 p.m.,
before DONNA M. RAY, Registered Professional
Reporter and Certified Court Reporter.

- - -

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DURANT T. TISDALE

1 APPEARANCES:

2

3 BY: MICHAEL I. McDERMOTT, ESQUIRE
4 1026 Winter Street, Suite 200
5 Philadelphia, Pennsylvania 19107
6 (215) 925-9732
7 Counsel for Plaintiff

8

9 CITY OF PHILADELPHIA
10 LAW DEPARTMENT

11 BY: AARON SHOTLAND, ESQUIRE
12 One Parkway Building
13 1515 Arch Street
14 14th Floor
15 Philadelphia, Pennsylvania 19102
16 (215) 683-5434
17 Counsel for Defendants

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DURANT T. TISDALE

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I N D E X

WITNESS

DURANT T. TISDALE

EXAMINATION

PAGE

By: Mr. Shotland

4

By: Mr. McDermott

36

- - -

E X H I B I T S

EXHIBIT NO. DESCRIPTION PAGE FIRST REFERENCED

(No Exhibits Were Marked.)

- - -

DURANT T. TISDALE

1 (It is stipulated by and among
2 counsel for the respective parties that signing,
3 sealing, certification and filing are waived and
4 that all objections, except as to the form of the
5 question, are reserved until the time of trial.)

6 - - -

7 DURANT T. TISDALE, having been first
8 duly sworn, was examined and testified as
9 follows:

10 - - -

11 EXAMINATION

12 - - -

13 BY MR. SHOTLAND:

14 Q. Good afternoon, Mr. Tisdale. My name is
15 Aaron Shotland, and I represent the defendant --
16 all the defendants in this case, the police
17 officers and the City of Philadelphia.

18 What you're here for today is called
19 a deposition. Have you ever been deposed before?

20 A. I don't understand.

21 Q. So what we're here for is a deposition,
22 which is, essentially, an interview. I'm going to
23 be asking you questions. You'll answer the
24 questions. The court reporter here is writing down

DURANT T. TISDALE

1 everything that we both say.

2 Have you ever gone through this
3 process before?

4 A. No.

5 Q. Okay. I'm going to give you some
6 instructions so things go a little bit more
7 smoothly than otherwise.

8 Because she's writing down
9 everything, we want to not talk over each other.
10 So try to wait until I'm finished asking the
11 question before you begin to answer.

12 Do you understand?

13 A. Yes, I understand.

14 Q. A lot of times in conversation if you know
15 the answer to a question even before someone is
16 finished asking it you'll answer it, but that
17 doesn't work in this setting because she's writing
18 everything down.

19 Okay?

20 A. Yes.

21 Q. Also, you need to keep your answers
22 verbal. So you're doing fine so far, but make sure
23 that you give a verbal answer as opposed to a nod
24 or shake of the head and try not to demonstrate

DURANT T. TISDALE

1 anything with your body. Try to use your words as
2 much as possible so that the record is clear as to
3 kind of what you're trying to express.

4 A. Okay.

5 Q. If you don't understand a question, let me
6 know and I'll rephrase it. If you answer the
7 question, I'm going to assume that you understood
8 it.

9 Do you understand?

10 A. Yes.

11 Q. Have you taken any medications today that
12 would prevent you from testifying honestly or
13 accurately?

14 A. No.

15 Q. Are you on any medications at all?

16 A. Yes.

17 Q. What are you on currently?

18 A. Blood thinners and high blood pressure
19 medication.

20 Q. Would either of those medications affect
21 your ability to testify honestly or accurately?

22 A. No.

23 Q. Okay. How are you feeling today?

24 A. Fine.

DURANT T. TISDALE

1 Q. All right. Good to hear.

2 Can you state and spell your name
3 for the record?

4 A. Yes. My name is Durant Tisdale. Durant
5 is spelled D-U-R-A-N-T. Tisdale is spelled
6 T-I-S-D-A-L-E.

7 Q. Do you have a middle name?

8 A. Yes.

9 Q. What is your middle name?

10 A. Tyrone.

11 Q. What is your date of birth?

12 A. 7/2/60.

13 Q. What is your Social Security number?

14 A. 204-52-0701.

15 Q. Where do you currently live?

16 A. I'm currently residing at 1242 West
17 Allegheny Avenue in Philadelphia, PA, 19133.

18 Q. How long have you lived on West Allegheny?

19 A. I've been there roughly about three weeks
20 now.

21 Q. Just moved?

22 A. Yes.

23 Q. Where did you live prior to West
24 Allegheny?

DURANT T. TISDALE

1 A. I was at 3950 North D Street.

2 Q. How long were you there?

3 A. About nine months.

4 Q. We're here for an incident which occurred
5 back in 2013, July 6th.

6 Where did you live on that day?

7 A. 2341 North 20th Street.

8 Q. When did you move there?

9 A. I moved there -- if I'm not mistaken, it
10 was December of 2012.

11 Q. When did you move out of there?

12 A. Well, I got arrested in July. So when I
13 got arrested being that I'm -- was on state parole,
14 they put a detainer on me, and I was incarcerated
15 until I got to trial. That's why I lost that
16 place.

17 Q. So on July 6th you were arrested and you
18 lost the residence on 20th Street?

19 A. Yes. It was actually July 5th when I got
20 arrested.

21 Q. Okay. And then you were held over the
22 night until the 6th?

23 A. Yes.

24 Q. Okay. Who did you live at the 20th Street

DURANT T. TISDALE

1 address with?

2 A. I stayed alone.

3 Q. And do you have -- are you married?

4 A. No.

5 Q. Do you have any kids?

6 A. Yes.

7 Q. How many?

8 A. Five.

9 Q. Are you currently employed?

10 A. I'm with an agency. I work occasionally
11 here and there.

12 Q. Like a temp agency?

13 A. Yes.

14 Q. How often would you say you work
15 currently?

16 A. It varies. I might work three days one
17 week, one day the next week. I might not see no
18 more work for another week or two. It varies.
19 Whenever something is available.

20 Q. Do you have any other source of income
21 other than your employment?

22 A. My son helps me out.

23 Q. Okay. On the night of July 5th, 2013,
24 what did you do that night?

DURANT T. TISDALE

1 A. What did I do that night?

2 Q. Yes. Like, before you had any interaction
3 with the police before you were arrested, what did
4 you do kind of during that day or that night?

5 A. After I got -- I worked that day. When I
6 got off work, I stopped by my cousin's house. He's
7 like in his 70s. He's in his 70s now. He was in
8 his 70s then, but I generally stop by to check on
9 him. I stopped by there.

10 When I left there, I was walking. I
11 walked up to 11th Street. I was going to catch the
12 23 bus to Lehigh Avenue and then catch the 54 on
13 Lehigh. I walked up 11th Street. I got up to
14 around 11th and Dauphin -- between Dauphin and
15 York. I was going to the bus stop.

16 A woman pulled up. The police
17 officer pulled up second behind her. She got out
18 of the car and she pointed in my direction and
19 said, "That's him." I looked around, you know, to
20 see what she was pointing at because I'm the only
21 one standing there. She said, "That's him. He's
22 the one that stole my gate." The officers come
23 over and was telling me that the woman accused me
24 of taking some property of hers and they asked me

DURANT T. TISDALE

1 did I have the gate. I said, "I don't have no
2 gate." They looked around and didn't find no gate.

3 Another officer went back to the
4 car. The other officer came back and asked me you
5 people use House of Iron scrap metal and stuff to
6 make odds and ends. I said, "I just got off work.
7 I don't have no gate. I didn't take anything."

8 They kept -- I took it as harassment
9 or an assault because he -- they kept saying that I
10 have the gate. Where is the gate at? What did you
11 do with the gate? What did you do with the gate?
12 I said that I don't have no gate.

13 I started getting upset. I said
14 that I threw the damn gate on the roof like that
15 because I never had no gate. No gate. No tools.
16 I don't have an automobile. There was no way for
17 me to -- in the area that I was located at there's
18 nothing -- there's nowhere to hide anything. At
19 that point they arrested me.

20 Q. Okay. Let's back up to your -- you worked
21 that day, right?

22 A. Yes.

23 Q. Where did you work?

24 A. At Citizens Bank Ballpark.

DURANT T. TISDALE

1 Q. What did you do at Citizens Bank Ballpark?
2 What was your job?

3 A. Housekeeping. I generally do pressure
4 washing, but during -- throughout the day if
5 there's anything else that's needed to be done and
6 I'm there, they would ask us to help out with
7 whatever else needed to be done.

8 Q. Just odd jobs around the stadium?

9 A. Yes. Cleaning. They call it
10 housekeeping.

11 Q. Okay. Was there a game that night?

12 A. Yes. It was the early game. Early game
13 that day.

14 Q. So what time would you have gotten off of
15 work?

16 A. Around about 9:00, 9:30. Something like
17 that.

18 Q. And then you went and you visited your
19 cousin?

20 A. Yes.

21 Q. What is your cousin's name?

22 A. George Kenneth.

23 Q. Where does George Kenneth live -- or where
24 did he live at the time?

DURANT T. TISDALE

1 A. He still resides there. 2005 North
2 Marshall Street.

3 Q. What part of the city is that?

4 A. North Philadelphia.

5 Q. Do you take the Broad Street line up
6 there?

7 A. Yes. I took the Broad Street line to
8 Cecil B. Moore Avenue. Then I caught the three bus
9 going east. I got off at 6th and Berks and walked
10 up 6th Street and went over to Morris. Marshall is
11 between 7th and 6th. The twenty hundred is between
12 Morris and Diamond.

13 Q. You went and you visited with your cousin
14 when you got there, right?

15 A. Yes.

16 Q. How long did you stay there?

17 A. About 20, 30 minutes maybe.

18 Q. Does that put us -- I'm kind of trying to
19 piece together the timeline here.

20 You got off work around 9:00. It
21 probably took about 45 minutes to get to your
22 cousin's house; is that fair?

23 A. Yes.

24 Q. That would put you close to 10:00. You

DURANT T. TISDALE

1 spent 20 or 30 minutes there and left some time
2 after 10:00?

3 A. Yes.

4 Q. And from there you were going to walk to
5 11th Street?

6 A. Yes.

7 Q. To catch a bus, right?

8 A. Yes.

9 Q. And before you got to that bus, you were
10 stopped by a police car?

11 A. Yes.

12 Q. You observed a woman in the police car?

13 A. No.

14 Q. No?

15 A. She pulled up. She was parked across the
16 street.

17 Q. She was driving?

18 A. Yes. Before the police even arrived, she
19 pulled up in an automobile and parked across the
20 street. About 30 seconds later the police pulled
21 up in their automobile and she jumped out and said
22 "That's him."

23 Q. Did she say anything to you before the
24 police arrived?

DURANT T. TISDALE

1 A. No.

2 Q. But you just noticed her?

3 A. Yes.

4 Q. Were you waiting for the bus there or were
5 you walking?

6 A. I was waiting for the bus.

7 Q. Okay. So you're at a bus stop?

8 A. Yes.

9 Q. So she didn't say anything to you? She
10 pulled up and then you saw a police car pull up --

11 A. Yes.

12 Q. -- afterwards and you saw officers speak
13 with the woman?

14 A. When the officers pulled up, she jumped
15 out of the car and she was like sort of flagging
16 them and said "That's him." That's when I looked
17 around like who is she talking about.

18 Q. She pointed at you?

19 A. Yes. She was pointing in my direction,
20 but I'm thinking somebody else is around because I
21 know I didn't do anything.

22 Q. And after she identified you, the police
23 officers talked to you, right?

24 A. Yes.

DURANT T. TISDALE

1 Q. I think you described the police officers
2 asked you where the grate was?

3 A. Yes.

4 Q. You said you didn't know?

5 A. I didn't even know what they were talking
6 about.

7 Q. Right. At some point you said, "I threw
8 the grate on the roof"?

9 A. Yeah, because they were like -- after
10 asking me several times and looking around the
11 vicinity and didn't find nothing, it's as if --
12 they was asking me as if I was lying to them. Like
13 I told the officer, I said, "Listen, I don't want
14 no trouble. I just got off work. I'm on parole.
15 I'm not trying to go back to jail. I didn't have
16 any grate. I don't know what you're talking
17 about."

18 Q. Okay. But then after being questioned at
19 some point you said "I threw the grate on the
20 roof"?

21 A. It went from like a question, from being
22 questioned, to like telling me where is the grate
23 at. We know you got the grate. What did you do
24 with it? It went from asking questions to like,

DURANT T. TISDALE

1 you know, insisting that I had it. It got me
2 upset.

3 Q. And I guess you were upset, and that's
4 when you said you threw the grate on the roof?

5 A. After they looked around underneath the
6 cars, alleyways, anyplace they could look to search
7 and see and found nothing, they continued to ask me
8 what did I do with the grate. The woman was
9 telling the officers, "He just had it. When you
10 all pulled up, he just had it. What he done with
11 it, I don't know." I don't even know what she's
12 talking about.

13 Q. You didn't have a grate when the female
14 pulled up?

15 A. I don't know if it was a grate or gate or
16 fence or what. I don't know what it was.

17 Q. Okay. Do you know a person named Brenda
18 Lee?

19 A. No.

20 Q. Okay. Did you know the woman that was
21 accusing you of stealing the grate?

22 A. No.

23 Q. You didn't recognize her from anywhere?

24 A. No.

DURANT T. TISDALE

1 Q. Okay. Back to your employment at Citizens
2 Bank Park, what was your uniform that you wore when
3 you were working?

4 A. Phillies ball cap, grayish-colored T-shirt
5 -- polo shirt with a Phillies emblem right here
6 (indicating).

7 Q. There is an arrest photo sitting in front
8 of you.

9 Do you recognize that photograph?

10 A. That's me on there.

11 Q. Is that you on the morning after you were
12 arrested?

13 A. This is the following day.

14 Q. Right.

15 A. The next day.

16 Q. Right. The following morning. The time
17 on it is --

18 A. 8:21 a.m.

19 Q. Right. So that was the morning after you
20 were arrested, right?

21 A. Um-hmm.

22 Q. You've got to say yes or no.

23 A. Yes.

24 Q. Just for the record, you have to say yes

DURANT T. TISDALE

1 or no. I understood you, but it won't be clear on
2 the record.

3 That shirt that you are wearing, was
4 that part of your uniform?

5 A. No.

6 Q. Okay. Is that a different shirt than you
7 were wearing when you were arrested?

8 A. Yes.

9 Q. What kind of shirt were you wearing when
10 you got arrested?

11 A. My uniform shirt.

12 Q. What is that shirt?

13 A. That's a black T-shirt.

14 Q. Where did you get that black T-shirt?

15 A. I had a bookbag with me with a T-shirt and
16 another pair of pants in there.

17 Q. So you changed your outfit?

18 A. I changed my shirt because I was sleeping
19 on the floor in the holding tank at the police
20 department.

21 Q. Did they let you bring your bag in to
22 change?

23 A. Yeah. They didn't take anything from me.

24 Q. Okay. Were you wearing a hat when you

DURANT T. TISDALE

1 were arrested?

2 A. Yes.

3 Q. What color was the hat?

4 A. It was a blue -- it's a baseball cap.
5 It's blue with red in the front with the Phillies
6 emblem on it.

7 Q. Okay. Moving to after your arrest, you
8 said you spent the night in the holding tank?

9 A. Yes.

10 Q. Then you were processed it looks like --

11 A. Yes.

12 Q. -- based on the time of your arrest photo;
13 is that fair?

14 A. Yes.

15 Q. What happened next?

16 A. While I was there?

17 Q. After you were processed, what happened?

18 A. After I was processed, I seen a gentleman
19 on closed-circuit TV. They gave me bail and 30
20 minutes later they were sending me to jail.

21 Q. What jail did they take you to?

22 A. First they took me to the House of
23 Corrections. About two weeks later -- about two
24 weeks later they took me to Graterford.

DURANT T. TISDALE

1 Q. How much time did you serve in jail after
2 this arrest?

3 A. I was there until like December the 5th or
4 December the 6th.

5 Q. So about five months?

6 A. About five or six months.

7 Q. That was split between the House of
8 Corrections and Graterford?

9 A. Well, at the House of Corrections I was
10 there only about two weeks. The rest of the time I
11 was at Graterford.

12 Q. Any issues while you were in prison?

13 A. Stressed out. Depressed.

14 Q. Anything else?

15 A. I can think of many things. It bothered
16 me. Couldn't sleep. Nervous. Scared I was going
17 back to jail. A million things. I can't think of
18 all of them right now.

19 Q. Do you have any idea why this woman Brenda
20 Lee -- I'll represent to you that the witness in
21 the case, at least according to the police
22 paperwork, was named Brenda Lee.

23 Do you have any idea why she accused
24 you of stealing the grate?

DURANT T. TISDALE

1 A. I don't know. I don't have an idea.

2 Q. Okay. Now, you mentioned that you were on
3 parole or probation?

4 A. Parole.

5 Q. Parole. I didn't ask you yet about your
6 criminal history.

7 What were you on parole for?

8 A. Robbery.

9 Q. How much time did you serve for the
10 robbery conviction?

11 A. About eight years.

12 Q. And you had been paroled in what year?

13 A. 2009.

14 Q. So you had been out of jail for about four
15 years?

16 A. Yes.

17 Q. And how long did your parole or probation
18 last?

19 A. I'm still on parole.

20 Q. How long does it last?

21 A. Until September 2017.

22 Q. So about eight years from your release
23 date?

24 A. Um-hmm. Yes.

DURANT T. TISDALE

1 Q. Other than the robbery conviction, do you
2 have any other convictions, criminal convictions?

3 A. Before that.

4 Q. To the best of your recollection. I know
5 you don't have your criminal -- any kind of
6 paperwork in front of you to tell you the dates,
7 but as far as you can recall?

8 A. I have two drug cases.

9 Q. Were you convicted?

10 A. Yes. It was like probation, but it's
11 still a conviction.

12 Q. You received probation?

13 A. Um-hmm. Yes.

14 Q. When was that?

15 A. A can't remember exactly.

16 Q. Was it prior to the --

17 A. It was before the robbery. Years before
18 the robbery.

19 Q. Anything else in your criminal history?

20 A. Not that I can remember. There's a few
21 things. I can't exactly remember what they were
22 all about.

23 Q. Any other felonies besides the robbery?

24 A. No.

DURANT T. TISDALE

1 Q. So if I understand kind of the status of
2 your criminal kind of situation at the time of this
3 arrest, you were on parole from the robbery
4 conviction and that parole was set to last and
5 still is set to last until 2017?

6 A. Correct.

7 Q. And did that affect your ability to make
8 bail or --

9 A. Yes.

10 Q. So how does that work?

11 A. When you're on state parole and you've
12 been charged -- have police contact and as they say
13 "catch a case," you have a bail set. They won't
14 let you pay the bail. The state will come pick you
15 up and take you upstate and detain you until the
16 outcome of your open case.

17 Q. Do you know whether bail was set in this
18 case?

19 A. Yes.

20 Q. What was bail set at?

21 A. \$2,000.

22 Q. Did you ever pay the bail?

23 A. I would have to pay 10 percent of that,
24 but they wouldn't let me pay because I'm on state

DURANT T. TISDALE

1 parole. If I pay the bail, they're still not going
2 to let me go.

3 Q. My question is just whether you ever tried
4 to pay it.

5 Did you ever pay the \$200?

6 A. They wouldn't let me pay it. It's
7 something that the state does with the county and
8 they call it a payoff and they take you upstate.

9 Q. Well, I think I understand that you
10 wouldn't have been released from custody if you had
11 paid the bail, but I'm wondering whether you ever
12 attempted to pay it and they said you can't pay
13 this?

14 A. That's what happened.

15 Q. That's what happened?

16 A. Right.

17 Q. Okay. When was that? When did you try to
18 pay the bail?

19 A. My significant other was going to pay it,
20 and they told -- I don't remember what date. It
21 was in July, though, but they told her they're not
22 going to accept the money -- this is what they told
23 her. We're not going to accept the money because
24 he's not going to be released. That's what they

DURANT T. TISDALE

1 told her.

2 Q. I understand that you were in jail until
3 December, right?

4 A. Yes.

5 Q. Of 2013?

6 A. Yes.

7 Q. Now, what caused you to be released from
8 jail?

9 A. All I know is that the charges was
10 dismissed or I was -- I don't know. They never
11 even took me down. All I know was they told me the
12 charge was dismissed or the District Attorney
13 withdrew it or something. I don't exactly know.

14 Q. As far as visits to court while you were
15 incarcerated for this arrest, did you -- other than
16 the arraignment that you testified about where you
17 went to CCTV -- that was an arraignment, right?

18 A. That was a bail hearing really, actually.

19 Q. Okay. That was your bail hearing. Then
20 you were taken to HOC.

21 Did you ever go back to court?

22 A. No.

23 Q. So you just remained at either HOC or
24 Graterford for the remainder of the time?

DURANT T. TISDALE

1 A. Yes.

2 Q. Were you at Graterford because you had
3 previously been a state prisoner or you were on
4 state parole? Is that why you were at Graterford?

5 A. Well, it's like until my bail was paid,
6 right, I stayed in the county but the state and the
7 county have this thing that is called a payoff.
8 That's all I know, is it's called a payoff, and I
9 think the state paid my bail. That's why I went
10 upstate. I don't know how they do that or how they
11 work that out.

12 Q. So you don't really know why you ended up
13 at Graterford?

14 A. I know why because I'm state property.

15 Q. Right. Because you were on a detainer
16 from a state court conviction, the state sentence?

17 A. Right.

18 Q. You said that the outfit that you were
19 wearing when you were arrested was a gray Phillies
20 polo shirt?

21 A. Yes. I had on blue jeans. I'm trying to
22 think. Was it blue jeans or black Dickies? I
23 think it was blue jeans and a gray polo shirt with
24 the Phillies emblem and a ball cap. I also had my

DURANT T. TISDALE

1 --

2 Q. Badge?

3 A. Yes. I had it around my neck. The ID tag
4 that you swipe (indicating).

5 Q. You were motioning for something around
6 your neck like a lanyard I think they're called?

7 A. It's a tag with your -- like your
8 identification, but it's on a --

9 Q. A string thing?

10 A. Yes.

11 Q. I understand what you're saying. I'm just
12 trying to make it clear for the record.

13 If you recall the tone of your gray
14 shirt, was it like a charcoal gray or a lighter
15 gray?

16 A. It wasn't no light gray.

17 Q. It was like a dark gray?

18 A. Yes. It was like a darker gray.

19 Q. Prior to seeing the female witness that
20 accused you of stealing the grate kind of pull up
21 alongside of you, did you see her before that day
22 at any point?

23 A. That's the first time I ever seen her.

24 Q. Do you know where 2220 North Delhi Street

DURANT T. TISDALE

1 is?

2 A. I know where Delhi Street is.

3 Q. Okay. I guess it would be the 2200 block
4 of Delhi Street closer to 23rd?

5 A. I'm from that neighborhood because I grew
6 up on 8th and Diamond, 2100 block of Diamond
7 Street.

8 Q. Do you know whether you passed by or spent
9 any time in front of 2220 North Delhi Street on
10 your walk from your cousin's house to 11th Street?

11 A. I remember exactly which way I went. I
12 came up Marshall Street. I came up Marshall Street
13 to Diamond. I went west on Diamond to 9th Street.
14 I went north up 9th Street to Susquehanna and I
15 went west on Susquehanna to 11th. Then I went
16 north up 11th.

17 Q. Okay.

18 A. I never walked by Delhi Street. It's in
19 that vicinity, but the route that I took wouldn't
20 even took me past that block.

21 Q. How close to that block did you get, if
22 you recall?

23 A. As a matter of fact, I did walk by there.
24 I walked -- Delhi Street runs north and south.

DURANT T. TISDALE

1 Susquehanna runs east and west. This is 9th
2 street. This is Susquehanna (indicating). I
3 walked straight down Susquehanna. I never went on
4 Delhi Street.

5 Q. Okay. But you would have walked kind of
6 by that block while you were on Susquehanna?

7 A. Yeah. I've got to cross that block to get
8 from -- there is a street -- it's between 9th
9 Street and 10th Street. So I would have to cross
10 that block.

11 Q. Okay.

12 A. But I never ventured on that block.

13 Q. Now, as far as your employment with the
14 Phillies, how often did you work for the Phillies
15 around the time of your arrest in July of 2013?

16 A. I was working steady full time.

17 Q. Full-time employee?

18 A. Yeah.

19 Q. How many hours a week?

20 A. Forty. Sometimes more.

21 Q. And how much did you earn a week?

22 A. About 9.50 -- a week?

23 Q. Or however you want to do it.

24 A. About 9.50.

DURANT T. TISDALE

1 Q. \$9.50 an hour?

2 A. Yes. About 9.50 or 9.55. Something like
3 that. I'm not sure.

4 Q. Do you recall what your take-home pay was
5 for a two-week check or a month check?

6 A. It would vary because, like, working with
7 the Phillies I would have my regular 40 hour week,
8 but during game days the hours would stretch out.
9 Sometimes I would have a lot of overtime.

10 Q. So it varied?

11 A. Yeah.

12 Q. Did you ever work less than 40 hours a
13 week?

14 A. No, not that I can recall.

15 Q. Did you file taxes in 2013 or for the tax
16 year 2013?

17 A. Yes.

18 Q. What about for 2014?

19 A. No. I lost my job when I got arrested
20 because I had no call, no show. I sat in jail for
21 about six months.

22 Q. After you were released in December of
23 2013, were you able to find another job?

24 A. No.

DURANT T. TISDALE

1 Q. Okay. What was the first job you started
2 working at after your release from jail?

3 A. I was doing odds and ends. Odd jobs.
4 First -- the first job as far as getting a paycheck
5 was -- I started July of this year.

6 Q. What job was that? It probably would have
7 been July of last year?

8 A. Yes. July of 2015 when I started working
9 with -- down at Trinity Staffing.

10 Q. Is that the position you're currently in?

11 A. Yes.

12 MR. SHOTLAND: Could we go off the
13 record for a second?

14 (There was a discussion held off the
15 record.)

16 BY MR. SHOTLAND:

17 Q. Mr. Tisdale, I think we have now talked
18 about your arrest, your roughly five months
19 incarceration and the issues related to your
20 incarceration, as well as the period of time you
21 missed from work as a result of the arrest,
22 correct?

23 A. Yes.

24 Q. Is there anything else that -- any other

DURANT T. TISDALE

1 kind of damages that you attribute to your arrest
2 from July of 2013 other than what we have already
3 talked about?

4 A. Well, when I was released, I was released
5 on parole with no job and nowhere to go. I had to
6 go stay at my aunt's and sleep on her couch.

7 My stress level went up so bad I had
8 a heart attack like a couple of weeks after getting
9 out of jail because I was like really going through
10 things mentally in my head, you know. The first
11 time in my life I'm doing something right and then,
12 you know, this happened to me. It takes me all the
13 way back to now I lost everything. I'm on
14 somebody's couch. I'm on parole. At any given
15 time they can come pick me up and take me to jail
16 because I'm not stable as far as financially or
17 stable housing and things of this nature.

18 I really think that played a part in
19 it because had I not got arrested for something I
20 didn't even do, none of that wouldn't have
21 happened.

22 Q. How long were you hospitalized -- or were
23 you hospitalized for the heart attack?

24 A. Yes. About two or three weeks. Something

DURANT T. TISDALE

1 like that, maybe.

2 Q. Where did you go?

3 A. Temple.

4 Q. Temple Hospital?

5 A. Yes.

6 Q. How is your health now?

7 A. Well, it's fair, but I still have to take
8 thinners and some other kind of pills. They say
9 I'll be taking that for the rest of my life.

10 Q. Is that a pill for high blood pressure?

11 A. No. It's for my heart. They had to put
12 stents in my heart.

13 Q. You had heart surgery?

14 A. Not open heart surgery, but they put
15 something in there.

16 Q. You take medication for whatever they put
17 in there?

18 A. For my heart, um-hmm.

19 Q. Yes?

20 A. Yes.

21 Q. Anything else as a result of the arrest?

22 A. No. I'm still struggling. I know that.

23 Q. Now, the defendants in this case are
24 Timothy Gibson and David Sherwood.

DURANT T. TISDALE

1 Do you recognize -- they're both
2 police officers -- or one was a police officer and
3 one was a detective.

4 Do you know who those people are?

5 A. Excuse me. Could you rephrase that? One
6 was what?

7 Q. One was a detective. David Sherwood is
8 actually a detective. He's sued as a police
9 officer, but we have learned that he's actually a
10 detective with the police department.

11 A. When I was arrested, I was arrested by two
12 uniformed police officers.

13 Q. Okay. Do you know their names?

14 A. No.

15 Q. Does the name Timothy Gibson ring a bell,
16 Police Officer Gibson?

17 A. The only names I know is what is on the
18 report, but I know I was arrested by two uniformed
19 police officers because the day of the arrest I
20 requested a white shirt or to speak to a detective.
21 They refused to let me do that.

22 Q. What about a Police Officer Whitaker? Was
23 that a familiar name?

24 A. No.

DURANT T. TISDALE

1 Q. Okay.

2 A. I know there was two. They were young
3 Caucasians and they were uniformed police officers.

4 Q. Two male -- white male officers?

5 A. Yes.

6 Q. They were younger?

7 A. Yes.

8 Q. About how old?

9 A. It looked like they was in their twenties
10 to me.

11 MR. SHOTLAND: Those are all the
12 questions I have for you. Thank you.

13 MR. McDERMOTT: I just have a few
14 questions.

15 BY MR. McDERMOTT:

16 Q. Mr. Tisdale, the night that you were
17 arrested you were standing at a bus stop, correct?

18 A. Yes.

19 Q. What bus were you waiting for?

20 A. The 23.

21 Q. Prior to that time, you were at your
22 cousin's house?

23 A. Yes.

24 Q. Did you actually see your cousin?

DURANT T. TISDALE

1 A. Yes.

2 Q. What is his name?

3 A. George Kenneth.

4 Q. You left Mr. Kenneth's home and you
5 actually crossed Delhi Street, correct, as you were
6 walking to the bus?

7 A. Yes.

8 Q. Did you take any grate at any time from
9 any property on Delhi Street?

10 A. No.

11 Q. Did you have in your possession at any
12 time a shopping cart?

13 A. No.

14 Q. Did you have in your possession at any
15 time a grate?

16 A. No.

17 Q. When the lady -- the woman stopped her
18 car, what attracted your attention to her car?

19 A. She pulled up and -- I'm from North
20 Philly. If an automobile pulls up, to be safe, I
21 looked.

22 Q. So just her pulling up attracted your
23 attention?

24 A. Yes.

DURANT T. TISDALE

1 Q. How long after that did the police come?

2 A. About 25 to 30 seconds later.

3 Q. Did they pull right behind her?

4 A. They pulled like right beside her.

5 Q. Okay. When they approached you, what did
6 you tell them?

7 A. I asked them -- the first thing I asked
8 them was what's going on.

9 Q. What did they tell you?

10 A. They said that a woman said you took some
11 property of hers.

12 Q. Any further conversation after that?

13 A. Yes. I said, "Well, what property?" The
14 officer hollered that it's a gate or a fence or
15 something like that, of that nature.

16 Q. Did they search the area for the property
17 they believed the lady was talking about?

18 A. Yes.

19 Q. Where did they search?

20 A. Under the cars. There is a small alleyway
21 there, I think. Around the other side of the
22 building.

23 Q. Did one of the officers stay with you
24 while the other searched or did they both search?

DURANT T. TISDALE

1 A. One stayed with me while the other
2 searched.

3 Q. Did he say anything to you at the time?

4 A. He kept asking me where the gate is at.

5 Q. Now, the officer that stayed with you, was
6 he white or black?

7 A. He was white.

8 Q. And his partner, what was his skin color?

9 A. He was white.

10 Q. So it was two white police officers.

11 Can you tell us whether one was
12 taller, shorter, heavy, skinny? Any
13 differentiations between them?

14 A. It's been a long time, but if I'm not
15 mistaken, they were pretty much about the same
16 height, built similar. I know one of them had dark
17 hair.

18 Q. How long was the one that left away from
19 you and the other officer?

20 A. He just searched everything nearby within
21 like maybe 15, 20 feet range all the way around.

22 Q. Okay. What kind of neighborhood is this?
23 Is this residential, is this business, is it
24 commercial? What is it?

DURANT T. TISDALE

1 A. It's like a residential neighborhood, but
2 also it's small -- where I was located there is a
3 garage on the corner that do body fender work, I
4 guess, for automobiles. That's where I was
5 standing at, but next to the garage is residential
6 housing where people live at.

7 Q. You testified earlier that you asked the
8 officers if you could see a white shirt.

9 What did you mean by a white shirt?

10 A. Like a lieutenant or captain or somebody.

11 Q. Did they comply with that?

12 A. No. They told me ain't none here or
13 something. It was a real sarcastic remark. Then I
14 asked to speak to a detective. I never spoke to
15 one of them. They wouldn't let me see one of them
16 either.

17 Q. When you asked to speak to a detective,
18 did you ask to speak to a detective when you were
19 out on the street?

20 A. On the street.

21 Q. Both requests were refused, whether it was
22 for a white shirt or lieutenant or a captain or a
23 detective, right?

24 A. Yes.

DURANT T. TISDALE

1 Q. Did the officers ever take you back to
2 this house where the grate was allegedly stolen
3 from to take a look at the grate?

4 A. No.

5 Q. So they took you from the corner where
6 they stopped you to where?

7 A. The district.

8 Q. Okay. Did they take anything off of you,
9 such as tools or anything?

10 A. No.

11 Q. Did you have any tools on you?

12 A. No.

13 Q. Who was your supervisor for the Phillies
14 organization? When you went to work, who did you
15 report to?

16 A. I can't think of his last name. His name
17 was Sam.

18 Q. How long had you been working there?

19 A. Since March of 2010.

20 Q. The case itself after you were arrested,
21 were you brought to court each time it was listed?

22 A. No.

23 Q. Did you ever go to court for the case?

24 A. No.

DURANT T. TISDALE

1 Q. How did you find out that the case was
2 dismissed?

3 A. I received a letter, legal mail, from the
4 court informing me that it was dismissed.

5 Q. In reference to when you were talking to
6 the police officers and they were asking you about
7 the grate, did any of them ask you about a shopping
8 cart?

9 A. One of them did.

10 Q. And did you have a shopping cart with you?

11 A. No.

12 Q. Did they look for a shopping cart?

13 A. Yes.

14 Q. And were they able to find the shopping
15 cart?

16 A. No.

17 Q. Were you the only person on the corner at
18 the time?

19 A. Yes.

20 Q. How long were you on the corner prior to
21 noticing that this car pulled up and stopped across
22 the street?

23 A. I might have been there about five or
24 maybe ten minutes tops.

DURANT T. TISDALE

1 Q. When the police came, you told them you
2 were on parole?

3 A. Yes.

4 Q. Did the lady say anything when you were
5 arrested?

6 A. She said something -- I can't recall
7 everything word for word, but I know she did make a
8 comment of you're going to jail for stealing.

9 Q. She made that comment to you?

10 A. Yes. I remember the officers told her to
11 follow us to the district to fill out the
12 paperwork.

13 Q. Did you notice the car following you?

14 A. Yes.

15 Q. By the way, counsel was asking you a
16 little bit earlier if you knew the police officers.

17 You said you didn't know the police
18 officers, correct?

19 A. Right. Not by name.

20 Q. Well, did you recognize the police
21 officers?

22 A. I know they was young. They was --

23 Q. Well, by "recognize," I mean did you ever
24 see them before? Did you have --

DURANT T. TISDALE

1 A. No.

2 Q. So you didn't have any quarrels with these
3 two police officers?

4 A. No.

5 Q. They never arrested you before?

6 A. No.

7 Q. When you were taken in, did you ever ask
8 to see a detective again?

9 A. Yes.

10 Q. And were you given the opportunity to see
11 a detective?

12 A. No.

13 Q. So no statement was ever taken from you?

14 A. No.

15 Q. Now, the reason why your girlfriend --
16 what is her name, by the way?

17 A. Annette Grover.

18 Q. -- couldn't pay bail for you is because
19 you had a detainer from the state lodged against
20 you, correct?

21 A. Yes.

22 Q. That is because you were on parole for
23 robbery at the time?

24 A. Yes.

DURANT T. TISDALE

1 Q. And you told the police officers that?

2 A. Yes.

3 Q. So no bail was actually paid on your
4 behalf?

5 A. Correct.

6 MR. McDERMOTT: I have no other
7 questions.

8 MR. SHOTLAND: Nothing further.
9 Thanks for your time.

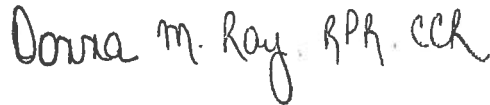
10 (Deposition concluded at 2:41 p.m.)
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DURANT T. TISDALE

CERTIFICATION

- - -

I hereby certify that the testimony and the proceedings in the foregoing matter are contained fully and accurately in the stenographic notes taken by me, and that the copy is a true and correct transcript of the same.



DONNA M. RAY, R.P.R., C.C.R.
License No. XI 02161

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1 IN THE COURT OF COMMON PLEAS
2 PHILADELPHIA COUNTY, PENNSYLVANIA
3 - - -
4 DURANT TYRONE TISDALE : CIVIL ACTION
5 Plaintiff :
6 :
7 :
8 :
9 :
10 CITY OF PHILADELPHIA- :
11 LAW DEPARTMENT and :
12 PHILADELPHIA POLICE :
13 OFFICER TIMOTHY GIBSON, :
14 BADGE #4742 :
15 and :
16 PHILADELPHIA POLICE :
17 OFFICER DAVID SHERWOOD, :
18 BADGE #714 :
19 Defendants : NO. 15-cv-5209
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1 APPEARANCES:

2

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11 Counsel for Defendants

12

13 ALSO PRESENT: OFFICER ROBERT WHITTAKER

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I N D E X

Testimony of: Officer Timothy Gibson
By Mr. McDermott. 5, 39
By Mr. Shotland. 39

- - -
E X H I B I T S
- - -

NO.	DESCRIPTION	PAGE
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(There were no exhibits marked at this time.)

1 DEPOSITION SUPPORT INDEX

2

3 Direction to Witness Not to Answer

4 Page Line Page Line Page Line

5 None

6

7

8

9 Request for Production of Documents

10 Page Line Page Line Page Line

11 None

12

13

14

15 Stipulations

16 Page Line Page Line Page Line

17 5 1-7

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19

20

21 Question Marked

22 Page Line Page Line Page Line

23 None

24

OFFICER GIBSON

5

1 (It is hereby stipulated and
2 agreed by and between counsel that
3 signing, sealing, filing and
4 certification are waived; and that
5 all objections, except as to the
6 form of questions, be reserved until
7 the time of trial.)

8 - - -

9 OFFICER TIMOTHY GIBSON, after
10 having been duly sworn, was examined
11 and testified as follows:

12 - - -

13 EXAMINATION

14 - - -

15 BY MR. McDERMOTT:

16 Q. Officer, once again, my name is
17 Michael McDermott. I represent Durant
18 Tisdale in this civil action in which you
19 are actually one of the named defendants.
20 So I'm going to be asking you questions
21 today in reference to what we call a
22 deposition. And I think you told me
23 earlier you never had a deposition before.

24 A. No, I have not.

OFFICER GIBSON

6

1 Q. How long have you been a police
2 officer?

3 A. It will be six years next month.

4 Q. You read, write and understand
5 the English language?

6 A. I do.

7 Q. I take it you've testified in
8 cases in criminal court?

9 A. That's correct.

10 Q. So here, a lot of the rules are
11 the same. There's a stenographer to my
12 right. You've been sworn in. I'm going to
13 be asking you questions. So I'll ask that
14 you wait until I finish my question before
15 you answer, because it makes it easier for
16 the stenographer to take everything down.

17 Do you understand that?

18 A. Yes.

19 Q. If you don't understand my
20 question, say, I'm sorry, I don't understand
21 your question. If you don't recall or
22 remember the information I'm seeking, just
23 tell me, I don't recall.

24 A. Okay.

OFFICER GIBSON

7

1 Q. And then maybe if you do recall
2 something later in the deposition, if
3 something comes into your mind, just let us
4 know and we can go back to it.

5 A. Okay.

6 Q. Does that work for you?

7 A. Yes.

8 Q. Have you used any medication,
9 narcotics or alcohol in the last 24 hours
10 that would keep you from understanding
11 anything I ask you today?

12 A. No.

13 Q. You're a Philadelphia police
14 officer?

15 A. That's correct.

16 Q. How long have you been a police
17 officer?

18 A. It will be six years next month.

19 Q. What is your current assignment?

20 A. 27 District.

21 Q. What does that entail?

22 A. 10th to Kelly, Poplar to Lehigh.

23 Q. So your normal tour of duty
24 consists of what?

OFFICER GIBSON

8

1 A. Me and my partner, Officer
2 Whittaker, are what they call 6p to -- 10p
3 to 6 -- or 10a to 6p.

4 Q. So you're generally patrolling?

5 A. Yeah, we are.

6 Q. Are you guys on bicycles or are
7 you in cars?

8 A. Sometimes on bikes, sometimes in
9 a patrol vehicle.

10 Q. Back on the date of this
11 incident, which was July 5th, 2013, was the
12 same all true?

13 A. We were in a marked police
14 vehicle.

15 Q. But you were on the same
16 assignment, working together?

17 A. Oh, yeah.

18 Q. And who was the driver and who
19 was the radio man?

20 A. I'm always the recorder. Office
21 Whittaker is the driver.

22 Q. Now, on that night you and
23 Officer Whittaker arrested Durant Tisdale.
24 Do you recall that?

OFFICER GIBSON

9

1 A. I recall that, after it was
2 brought to my attention, and looking at the
3 paperwork. I did not remember him by name.

4 Q. As you're talking to me, you
5 have a lot of paperwork in front of you,
6 which includes Mr. Tisdale's arrest photo,
7 right?

8 A. That's correct.

9 Q. And I noticed that you glanced
10 over that way, at least. Did you see his
11 picture?

12 A. I did.

13 Q. Do you recognize it?

14 A. Yes, I do.

15 Q. And you recognize him from that
16 night?

17 A. I do.

18 Q. Is that how he looked on that
19 night?

20 A. As far as I recall.

21 Q. And you're patrolling. I take
22 it that a radio call comes out at some point
23 in reference to the eventual arrest of Mr.
24 Tisdale?

OFFICER GIBSON

10

1 A. That's right.

2 Q. What was the radio call?

3 A. It was a theft in progress on
4 the 2100 block of North Delhi.

5 Q. You're referring to the 48?

6 A. I was.

7 Q. By the way, who prepared the 48?

8 A. That's my handwriting.

9 Q. We were just sitting here with
10 the detective, and he was reviewing the
11 paperwork. But the actual 48 was prepared
12 by you?

13 A. That's correct.

14 Q. And that's in handwriting or
15 printing?

16 A. That's my handwriting, that's
17 correct.

18 Q. Tell us what the 48 states in
19 the narrative.

20 A. Read it off directly?

21 Q. Yes.

22 A. Police received an R/C, which is
23 what I use for radio call; for a T-I-P, which
24

OFFICER GIBSON

11

1 I use for theft in progress, at the
2 ABV, which would be the above location.
3 Flash given was a black male with a black
4 shirt, white hat. Police observed below
5 witness and below offender at 1000 block
6 of Arizona. Witness stated to police
7 that she observed offender take a white
8 grate to basement window from above
9 complainant property at the above
10 location. Male placed under arrest,
11 transported to East Detectives. Police
12 surveyed area for a grate, with negative
13 results.

14 Q. Let's start with the above
15 location. What was the location of the
16 theft?

17 A. According to the witness, it
18 would have been 2220 North Delhi.

19 Q. On the night of my client's
20 arrest, did you go to that address?

21 A. I don't recall going to that
22 address; no.

23 Q. Why didn't you go to the
24 address?

OFFICER GIBSON

12

1 A. Because I was with the defendant
2 and, also, the witness. I don't know if my
3 partner did, or any other police personnel
4 did.

5 Q. If you have a person under
6 arrest and they're in the patrol car, you're
7 out talking to the witness, is it abnormal
8 for your partner to leave you and go either
9 search for evidence or go see a location, a
10 crime scene?

11 A. I guess it would depend on the
12 situation.

13 Q. In this situation, you're saying
14 that that may have occurred, but I'd have to
15 ask Officer Whittaker?

16 A. That's correct.

17 Q. It does talk about searching
18 the area. And do you recall, yourself,
19 searching the area?

20 A. I recall walking down the 1000
21 block of Arizona to look for the grate,
22 which was the direction in which he was
23 coming from.

24 Q. And that direction was given to

OFFICER GIBSON

13

1 you by Brenda Lee?

2 A. Well, no. He was walking west
3 on the 1000 block of Arizona.

4 Q. When you first saw him?

5 A. Yeah, that's correct.

6 Q. Okay.

7 A. And he was just approaching --
8 it would be the intersection of Arizona and
9 11th Street.

10 Q. Okay.

11 A. So he was walking westbound.

12 Q. Okay. At the intersection of
13 Arizona and 11th Street, are there any bus
14 routes there or trolley routes?

15 A. I can't recall if it's Arizona.
16 I think it's actually -- the bus would be at
17 11th and York, which would be half a block
18 up. I think that's the closest one.

19 Q. But the bus comes straight past
20 Arizona on --

21 A. It goes northbound on -- past
22 Arizona.

23 Q. So when you saw my client
24 walking, were you with the complainant or --

OFFICER GIBSON

14

1 I'm sorry -- with the witness, Brenda Lee?

2 A. No, we were not.

3 Q. So you see my client walking,
4 but you don't go to stop him, do you?

5 A. We stopped him.

6 Q. Based on what?

7 A. Based off the flash information
8 given over the police radio.

9 Q. Give that to us again.

10 A. It was a black male wearing a
11 black hat and a white -- I'm sorry, a white
12 hat and black shirt.

13 Q. Was Mr. Tisdale wearing a black
14 shirt?

15 A. Yeah. I do recall that.

16 Q. Was he wearing a white hat?

17 A. As far as I recall; yes.

18 Q. Did you put anything in your
19 report stating that he was, in fact, wearing
20 a white hat?

21 A. In my 48A it gives the flash
22 information; why we stopped him. If I had
23 the 48A in front of me, if one was prepared,
24 and I don't recall if one was prepared or

OFFICER GIBSON

15

1 not, that would clearly state what he was
2 wearing.

3 Q. For the record, tell me what a
4 48A is.

5 A. 48A is just the information of a
6 male that's stopped by police and the reason
7 they would be stopped. I don't know if one
8 was prepared for this or not.

9 Q. And how long have they been
10 actually preparing the 48As?

11 A. I do not know.

12 Q. Have they always been there
13 since you've been in the service of being a
14 Philadelphia police officer?

15 A. That's correct.

16 Q. So they're at least six years
17 old?

18 A. Yeah.

19 Q. So, obviously, then, on July 5th
20 of 2013, that's something that may have been
21 prepared?

22 A. It may have been prepared.
23 Sometimes when the male is arrested based
24 off of flash information, sometimes one is

OFFICER GIBSON

16

1 not prepared.

2 Q. Let me show you what's commonly
3 referred to as the 229, the Biographical
4 Information Report.

5 A. Sure.

6 Q. Do you recognize the handwriting
7 on that report?

8 A. No, I do not.

9 Q. So it's not your handwriting?

10 A. It's not.

11 Q. And do you recognize it as being
12 Officer Whittaker's handwriting?

13 A. I don't think so.

14 Q. Who generally fills them out?

15 A. The transporting officer, which
16 we were not. We actually transported your
17 client, Durant Tisdale, to East Detectives.
18 So we would have come over and transported
19 the witness and then would have went down to
20 the cell and filled this out.

21 Q. Wait. I'm sorry. You said
22 that, usually, the person who transports him
23 to --

24 A. I mean -- I had that switched

OFFICER GIBSON

17

1 up. I think we transported the witness and
2 they transported -- what I'm trying to say
3 is, I don't know if this is Officer
4 Whittaker.

5 Q. Okay. So you think --

6 A. I don't know if he did this or
7 if somebody else helped us transport Durant
8 Tisdale or Brenda Lee.

9 Q. Okay.

10 A. Sorry.

11 Q. But your recollection -- your
12 best recollection, sitting here today, is
13 that you think you transported Brenda Lee?

14 A. Now that I'm thinking about it,
15 I don't recall. I don't know.

16 Q. So let's get down to this. What
17 does this have on it? What kind of
18 information is the Philadelphia Biographical
19 Information Report looking for?

20 A. Male's name, date of birth,
21 height and weight, approximately, address.

22 Q. Is any information in there?

23 A. Yes.

24 Q. What information is in there?

OFFICER GIBSON

18

1 A. His last name, his first name,
2 date of birth. He's a male, black,
3 five-nine, 185, hair color gray, eye color
4 brown, medium complexion, medium build, no
5 glasses, goatee for facial hair. He's
6 single. I think that says district
7 residence would be the 39th, because his
8 address is 301 West Erie Street, Philadelphia
9 PA. That location is a house. He lives
10 alone.

11 Do you want me to read off his
12 Social Security number?

13 Q. No. That's not -- no.

14 A. Occupation says NA. Employer
15 address, NA. Place of birth, Philadelphia,
16 PA.

17 Q. Okay. Now, do they have a spot
18 there where it would be filled in for a
19 description of the clothing worn by the
20 defendant?

21 A. It does. It has a spot for
22 clothing description.

23 Q. And is that blank on that form?

24 A. It is.

OFFICER GIBSON

19

1 Q. And you can't tell us why that
2 is, because you didn't prepare the report?

3 A. That's correct.

4 Q. Now, was there any physical
5 evidence turned in by you or any other
6 officer, that you're aware of, in reference
7 to this arrest?

8 A. No, not that I'm aware of.

9 Q. And 1000 Arizona, that block,
10 are you familiar with it?

11 A. Yeah.

12 Q. Okay. Are you familiar with the
13 neighborhood in which that block, and also
14 the block of 2200 North Delhi, is located?

15 A. That's correct.

16 Q. What kind of neighborhood is
17 that? Is that a commercial spot? Is that a
18 residential spot?

19 A. It's primarily residential.

20 Q. And you had patrolled it for
21 some time as of July 5th, 2013, right?

22 A. That's correct.

23 Q. What kind of people live there?
24 Is it all white? Is it all black? Is it a

OFFICER GIBSON

20

1 mixture? Does it have Asians? Does it have
2 a lot of people, as far as you know from
3 your patrol?

4 MR. SHOTLAND: If you can answer
5 it.

6 THE WITNESS: I mean, I don't
7 know how I can answer that.

8 BY MR. McDERMOTT:

9 Q. Well, I mean, as far as you know
10 from being there on bike and in a patrol
11 car, do black people live there?

12 A. That's correct.

13 Q. And white people live there?

14 A. I've seen -- yes.

15 Q. By the way, Brenda Lee, was she
16 white? Black?

17 A. She was, I believe, a black
18 female, if I recall correctly.

19 Q. And Brian Stewart, who I believe
20 it was reported that you spoke to on the
21 phone --

22 A. Yes.

23 Q. -- you never saw him, right?

24 A. Can I refer to this (indicating)?

OFFICER GIBSON

21

1 Q. Sure.

2 A. I believe I did talk to him on
3 the phone.

4 Q. Okay.

5 A. (Witness reading.) Yeah. I
6 think I did talk to him on the phone.
7 That's correct.

8 Q. So it's not unusual that a black
9 person, black male, would be walking down
10 the 1000 block of Arizona Street?

11 A. No.

12 Q. What time of night was this?

13 A. Can I refer to this (indicating)?

14 Q. Sure. Your time out may be on
15 the --

16 A. The time out is on the 48. It
17 says 11:02 p.m.

18 Q. So you're out on July 5th at
19 11:02 p.m.?

20 A. That's correct.

21 Q. And that time of night wouldn't
22 be unusual for a black person to be walking
23 down the street?

24 A. No.

OFFICER GIBSON

22

1 Q. And you stopped Mr. Tisdale
2 because you say that he fit the description
3 that you have in the 48?

4 A. That's correct.

5 Q. Okay.

6 A. Which was provided by police
7 radio.

8 Q. And what was it?

9 A. For a black male with a black
10 shirt and white hat. That's what I recall
11 from that radio call.

12 Q. What kind of hat was it?

13 A. I don't recall.

14 Q. So there wasn't a height
15 description given. There wasn't a weight
16 description given, right?

17 A. If there was, I don't recall.

18 Q. But you didn't write anything
19 down in your 48?

20 A. I did not.

21 Q. And you write down what's given
22 over the police radio?

23 A. I'm sorry?

24 Q. You write down what description

OFFICER GIBSON

23

1 is given over the police radio?

2 A. That's correct.

3 Q. So when did you actually fill
4 out the 48?

5 A. Before going to Detectives,
6 after the incident.

7 Q. Out on the street or back in the
8 station?

9 A. I wrote this, I believe, on the
10 street.

11 Q. So you have the 48s with you
12 in this car?

13 A. Yes, in the car.

14 Q. So that would be fresh in your
15 memory?

16 A. That's correct.

17 Q. What time did you go in? I know
18 that a 48 has a time out and a time in.

19 A. Time in?

20 MR. SHOTLAND: It's just the
21 next --

22 THE WITNESS: 11:25.

23 BY MR. McDERMOTT:

24 Q. You wrote this all within 20

OFFICER GIBSON

24

1 minutes? ,

2 A. That's correct.

3 Q. So you would have remembered at
4 that time what the description was?

5 A. That's correct.

6 Q. Okay. Was Mr. Tisdale carrying
7 anything?

8 A. Not that I recall.

9 Q. Did Mr. Tisdale have any tools
10 on him?

11 A. From what I recall, no.

12 Q. Was he pushing a shopping cart?

13 A. If he was, I don't recall that.

14 Q. So what you're telling me is you
15 stopped Mr. Tisdale?

16 A. That's correct.

17 Q. You're in uniform?

18 A. That's correct.

19 Q. Officer Whittaker is in uniform?

20 A. That's correct.

21 Q. How do you approach him? Do you
22 just pull up to where he is and ask him to
23 stop?

24 A. As far as I recall, we stopped

OFFICER GIBSON

25

1 him at Arizona and 11th.

2 Q. Okay. But you're in your car?

3 A. That's correct.

4 Q. So you put down your window and
5 say stop? You get out and start talking to
6 him?

7 A. I don't recall if we pulled up
8 next to him, in front of him. I don't
9 recall.

10 Q. But you're there in uniform in
11 the car somewhere. Do you have the lights
12 on in the car?

13 A. No.

14 Q. Okay. When Brenda Lee first
15 comes onto the scene, how do you become
16 aware that she's there?

17 A. If I can refer to this.

18 (Witness reading.) After we stopped Mr.
19 Tisdale, Brenda Lee came up and stated that
20 she observed Mr. Tisdale take the grate from
21 2220 North Delhi.

22 Q. And was she on foot? Was she
23 in a car?

24 A. I believe I recall the first

OFFICER GIBSON

26

1 time I saw her she was on foot.

2 Q. Okay.

3 A. At least walking towards us. I
4 don't know if she drove there or --

5 Q. And she told you that she
6 followed him?

7 A. That is correct. She stated --
8 well, to me, she stated that she observed
9 him take the grate from the property. I
10 don't remember her saying she followed him,
11 or she came around the block and saw him. I
12 didn't get that into it with her.

13 Q. Did you ask her where the grate
14 is?

15 A. I don't recall if I did.
16 However, we did survey for it. So I don't
17 know. I don't recall.

18 Q. Did you ask Mr. Tisdale where
19 the grate was?

20 A. I don't recall.

21 Q. Did he state anything to you
22 about the grate?

23 A. Not that I recall.

24 Q. What, if anything, did he state

OFFICER GIBSON

27

1 to you?

2 A. Nothing, from what I can recall.

3 Q. He just stated what?

4 A. Nothing that I can recall, off
5 the top of my head.

6 Q. When did you actually put him in
7 handcuffs, you or Officer Whittaker,
8 whichever one did it?

9 A. I believe we placed him in
10 custody after learning the information from
11 Mrs. Lee.

12 Q. When you first stopped him,
13 Brenda Lee was not on site?

14 A. I believe she was behind,
15 walking up. It was relatively quick, from
16 what I remember. I don't recall how quick,
17 but I remember it was relatively quick.

18 Q. Why did you stop him?

19 A. Once again, based off of flash
20 information given by police radio.

21 Q. And what was your thinking about
22 the grate?

23 A. What do you mean?

24 Q. I mean, didn't it cross your

OFFICER GIBSON

28

1 mind that, I'm being told that this man
2 stole a grate and put it in a shopping cart,
3 and he's pushing it down the block? Didn't
4 you think to yourself, what happened to the
5 grate, where is the grate?

6 A. Well, that's why we surveyed the
7 area with negative results. And at that
8 point, based on the witness' statement to
9 us, we placed him in custody and took the
10 male to East Detectives for further
11 processing or investigation at that point.

12 Q. Well, a lot of times in court,
13 in reference to location and things, we talk
14 about location, and it's often said it was
15 the 1000 block of Arizona Street or the 100
16 block of Market Street.

17 A. Sure.

18 Q. They're only talking about one
19 block, the 1000 block, right?

20 A. The 1000 block of Arizona.

21 MR. SHOTLAND: Objection to
22 form. What's the question?

23 MR. McDERMOTT: Well, I'm going
24 to ask him a question.

OFFICER GIBSON

29

1 BY MR. McDERMOTT:

2 Q. So you already surveyed that one
3 block?

4 A. No.

5 Q. What else did you survey?

6 A. I believe while we were
7 responding to the radio call, we were -- I
8 believe we were traveling north on 11th
9 Street when we observed the male.

10 Q. Okay. Did you leave the 1100
11 block?

12 A. That was -- no. 11th Street,
13 like I stated earlier, runs northbound.

14 Q. It's one way?

15 A. That's correct. And Arizona
16 runs right into 11th Street.

17 Q. So you're going northbound on
18 11th Street?

19 A. As far as I recall; yes.

20 Q. And you said that the defendant
21 was walking westbound on Arizona?

22 A. As far as I recall.

23 Q. So the first time you saw him
24 was when you got to the intersection?

OFFICER GIBSON

30

1 A. That's correct.

2 Q. And he's up on your right?

3 A. He would have been on our right;
4 yeah.

5 Q. So you had to make a right-hand
6 turn and then you come in contact with him?

7 A. Once again, like I said, how we
8 approached him -- I don't recall if we
9 turned to face him, or we just stopped and I
10 got off on the side. I don't recall if he
11 was at the intersection of Arizona and 11th
12 Street, which is the 1000 block of Arizona,
13 which is where we stopped him for
14 investigation.

15 Q. Okay. So I guess the
16 appropriate question is: From the time you
17 saw him, until the time you were with him,
18 there was no great distance to cross?

19 A. No, not at all.

20 Q. And when you're sitting there,
21 looking to your right and you see him, and
22 you get out of your car, you don't see this
23 lady walking? Brenda Lee?

24 A. Well, I recall going to stop

OFFICER GIBSON

31

1 him; and then once we stopped him, Mrs. Lee
2 coming up and telling us what she saw.

3 Q. So then the question is: What
4 was your survey area, for purposes of
5 looking for a shopping cart and/or a grate?

6 A. I don't recall. It was three
7 years ago. I remember going northbound on
8 11th Street and then approaching the male
9 for investigation.

10 Q. So your survey was done on foot
11 or in a car?

12 A. We were in a marked police
13 vehicle.

14 Q. So you were driving around
15 looking for it?

16 A. My partner, Officer Whittaker,
17 was driving, and I was in the recorder seat.

18 Q. After you arrested him, he's in
19 the car and you're looking for the grate?

20 A. I said we surveyed, with
21 negative results. I don't want to --

22 Q. I know. But I mean --

23 A. I remember walking down the
24 street at that point. I don't know what

OFFICER GIBSON

32

1 other police personnel surveyed where. I
2 remember walking down at one point. I
3 didn't find it. Nobody else found anything.
4 That's why I stated "survey done with
5 negative results."

6 Q. Okay. And that's all I'm
7 asking, is how far you actually went.

8 A. That's all I know.

9 Q. So, for you, it was on foot,
10 walking?

11 A. I walked down Arizona and came
12 right back.

13 Q. So you didn't even reach the
14 next intersection?

15 A. If I did, I don't remember.

16 Q. And you brought Mr. Tisdale into
17 the precinct?

18 A. Once again, I don't recall who
19 transported him.

20 Q. I apologize. I understand that.
21 I mean, at this point after arresting him,
22 based on what she told him, you take him
23 into the precinct, or go along with people
24 that are taking him into the precinct?

OFFICER GIBSON

33

1 Everybody comes back --

2 A. That's right. Due to the
3 occurrence of this, it would have occurred
4 at 2220 North Delhi. We took him to East
5 Detectives.

6 Q. So the only thing that you had
7 to rely on, that he was, in fact, the person
8 that stole something was what? Ms. Brenda
9 Lee's statement?

10 A. That's correct.

11 MR. SHOTLAND: Objection.

12 You can answer.

13 THE WITNESS: That's correct.

14 BY MR. McDERMOTT:

15 Q. And you had no other physical
16 evidence to support her claims?

17 A. Other than why we stopped the
18 male for the black shirt, white hat; due to
19 information given over police radio, and
20 what Mrs. Lee -- is it Lee -- yeah, stated
21 to us.

22 Q. And being in the general area?

23 A. Well, we were in the general
24 area because of the radio call.

OFFICER GIBSON

34

1 Q. No. I mean my client being in
2 the general area.

3 A. Where we stopped him for
4 investigation. That's right.

5 Q. How far is that from the 2200
6 block of North Delhi?

7 A. I'd say, approximately, four
8 blocks. Because like I stated earlier, it's
9 closer to 11th and York. And 2200 Delhi
10 would be north of Susquehanna. I can't
11 remember if Delhi is between 9th and 10th
12 or 8th and 9th.

13 Q. So you get the radio call at
14 11:05?

15 A. My 48 says 11:02.

16 Q. 11:02.

17 A. I don't recall. But if the 48
18 says 11:02...

19 Q. What time is it when you spot
20 Mr. Tisdale?

21 A. I don't recall.

22 Q. Is he sweating or anything?

23 A. I don't recall.

24 Q. Do you recall whether it was a

OFFICER GIBSON

35

1 hot night, warm night, cold night?

2 A. I don't recall. It's three
3 years ago.

4 Q. What training have you had
5 through the police department for probable
6 cause?

7 A. For probable cause?

8 Q. Yes.

9 A. Based off what we learned in the
10 Philadelphia Police Academy.

11 Q. What did they tell you?

12 A. About probable cause?

13 Q. Yes.

14 MR. SHOTLAND: To the best of
15 your recollection.

16 THE WITNESS: By definition, I
17 don't recall, but -- I really don't
18 know what you're asking here, sir.

19 BY MR. McDERMOTT:

20 Q. Well, do you know what probable
21 cause is?

22 A. Yes.

23 Q. Okay.

24 A. It's reason to believe that a

OFFICER GIBSON

36

1 crime is committed.

2 Q. How did you learn that?

3 A. Based on the statement that Mrs.
4 Lee gave to us.

5 Q. I mean, how did you learn the
6 definition that you just gave us?

7 A. At the Academy.

8 Q. And what did that training
9 consist of?

10 A. 33 weeks.

11 Q. And how much of that 33 weeks
12 was spent on probable cause?

13 A. I don't know. I'm not an
14 instructor.

15 Q. Was it more than one class?

16 A. Yes.

17 Q. Was it more than one week?

18 A. There was 33 weeks. I don't
19 know what was spent on probable cause.

20 Q. But the best definition you can
21 give from your training is what you just
22 gave us?

23 A. That's correct.

24 Q. And based on that training, her

OFFICER GIBSON

37

1 telling you that she saw him do something
2 was enough for you?

3 A. Based off of my training and my
4 experience, yes, to take it, at least, to
5 East Detectives.

6 Q. What experience comes into play?

7 A. Three years, prior to this
8 incident, being an officer.

9 Q. Well, what experience did you
10 have, that arresting somebody for walking
11 down the street that has a black shirt and a
12 white hat on --

13 MR. SHOTLAND: Objection.

14 BY MR. McDERMOTT:

15 Q. How many times have you arrested
16 people for somebody saying they did
17 something without any further evidence?

18 A. Multiple times.

19 Q. Multiple times?

20 A. That's correct.

21 Q. Did you go to court for this?

22 A. I believe so.

23 Q. Did you ever testify?

24 A. I don't recall.

OFFICER GIBSON

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1 Q. Did you ever see Brenda Lee
2 again?

3 A. Not that I recall.

4 Q. Did you ever meet Brian Stewart
5 or see him in court?

6 A. I never was introduced to him;
7 no.

8 Q. You're aware that Mr. Tisdale's
9 case was dismissed --

10 A. I've heard.

11 Q. -- for lack of prosecution?

12 A. Okay.

13 Q. You've had some complaints
14 brought against you before?

15 MR. SHOTLAND: Neither of those
16 have anything to do with an arrest
17 or a false arrest or malicious
18 prosecution. I just don't know how
19 they're relevant.

20 MR. McDERMOTT: Give me one
21 minute. I didn't look at it.

22 MR. SHOTLAND: Take a look at
23 it. They're two off-duty incidents.

24 (Counsel reading the document.)

OFFICER GIBSON

39

1 MR. McDERMOTT: I have no
2 questions, based on what I've had
3 the opportunity to see. So I have
4 no further questions.

5 Thanks, Officer.

6 MR. SHOTLAND: I do, just very
7 briefly.

8 - - -

9 EXAMINATION

10 - - -

11 BY MR. SHOTLAND:

12 Q. You spoke with Brenda Lee at the
13 arrest scene?

14 A. I did.

15 Q. Did she give you any reason to
16 believe that she was lying to you?

17 A. No, she did not.

18 MR. SHOTLAND: That's my only
19 question.

20 - - -

21 EXAMINATION

22 - - -

23 BY MR. McDERMOTT:

24 Q. You never asked her what he did

OFFICER GIBSON

40

1 with the grate?

2 A. Not that I recall; no.

3 Q. In your experience as a
4 Philadelphia police officer, what does your
5 experience say that if you stole a grate it
6 has to be somewhere?

7 A. Which is why I surveyed, with
8 negative results.

9 Q. But wouldn't it be your
10 experience and common sense to tell you,
11 hey, let's ask the witness who saw him take
12 it?

13 A. Wouldn't it be common sense to
14 believe that from the 2200 block of Delhi
15 and Arizona that he could have put that
16 grate anywhere?

17 Q. Such as where?

18 A. I don't know.

19 Q. But if somebody is following
20 him, still, wouldn't it be reasonable and
21 common sense to ask an eyewitness, Did you
22 see where he put the grate?

23 A. You would have to ask Mrs. Lee
24 that. I don't know if she followed him the

OFFICER GIBSON

41

1 whole way.

2 Q. I'm asking why you wouldn't ask
3 that question.

4 MR. SHOTLAND: Objection. He
5 didn't say he didn't ask her. He
6 said he didn't remember. There's a
7 difference.

8 BY MR. McDERMOTT:

9 Q. You don't recall asking her?

10 A. I don't recall if I did.

11 Q. But don't you think that with
12 three years' experience on the job, you
13 would ask a witness, Hey, do you know what
14 he did with the grate?

15 MR. SHOTLAND: Objection.

16 THE WITNESS: Yes. But, once
17 again, I don't recall if I asked her
18 that.

19 BY MR. McDERMOTT:

20 Q. Okay. Let me see your statement.

21 A. Sure.

22 Q. Thanks. In this, you have: I
23 was working with my partner, Police Officer
24 Whittaker, in full uniform, and operating a

OFFICER GIBSON

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1 marked police vehicle. We received a radio
2 call of a theft in progress from 2200 Delhi.

3 Right?

4 A. That's correct.

5 Q. Flash information. Flash given
6 was a black male wearing a black shirt and
7 white hat, last seen in the area of 10th and
8 Dakota.

9 Where is Dakota?

10 A. I can't recall if it's a
11 half-block south or north of Arizona.

12 Q. Okay. Well, Arizona runs west
13 and east, right?

14 A. No. They're one-way streets. I
15 forget if Dakota runs east or west, and
16 Arizona -- they run -- one goes east and one
17 goes west. I don't recall which one is
18 which.

19 Q. So it's either --

20 A. But they're both, I believe,
21 one-way streets.

22 Q. So it's either south or north?

23 A. No. They both -- no. Both
24 Dakota and Arizona would either run east or

OFFICER GIBSON

43

1 west. I just don't remember exactly which
2 one is east and which one is west.

3 Q. Where is --

4 A. They're both perpendicular to
5 11th Street.

6 Q. Where is 10th and Dakota in
7 reference to 2200 North Delhi and 11 -- or
8 1000 Arizona?

9 A. Well, like I said, Dakota is
10 either -- I can't remember if it's half a
11 block north or south of Arizona. But that
12 would be like -- 10th and Dakota would be
13 like the 10th and York area.

14 Q. And then it says: We surveyed
15 the area and observed the defendant and
16 witness at 11000 Arizona Street.

17 A. No. 1000.

18 Q. I'm sorry. 1000 Arizona.

19 "Upon investigation, the witness
20 stated to police that she observed the
21 defendant take a white grate from the
22 basement window at 2220 Delhi Street."

23 And based on reading that,
24 you're telling me you don't recall whether

OFFICER GIBSON

44

1 you asked her what he did with the grate?

2 A. That's correct.

3 MR. McDERMOTT: I have no other
4 questions.

5 MR. SHOTLAND: Nothing.

6 (Witness excused.)

7 - - -

8 (Whereupon, the deposition
9 concluded at 3:15 p.m.)

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1 CERTIFICATE

2 I HEREBY CERTIFY that the witness was
3 duly sworn by me and that the deposition is
4 a true record of the testimony given by the
5 witness.

6

7

8

9

10 -----
Susan B. Berkowitz, a
11 Registered Professional Reporter
and Notary Public
12 Dated: January 25, 2016

13

14

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16

17 (The foregoing certification
18 of this transcript does not apply to any
19 reproduction of the same by any means,
20 unless under the direct control and/or
21 supervision of the certifying
22 reporter.)

23

24

1 IN THE COURT OF COMMON PLEAS
 2 PHILADELPHIA COUNTY, PENNSYLVANIA
 - - -

3 DURANT TYRONE TISDALE : CIVIL ACTION
 Plaintiff :

4 V. :
 5 :

6 CITY OF PHILADELPHIA- :
 LAW DEPARTMENT and :
 PHILADELPHIA POLICE :
 7 OFFICER TIMOTHY GIBSON, :
 BADGE #4742 :
 8 and :
 PHILADELPHIA POLICE :
 9 OFFICER DAVID SHERWOOD, :
 BADGE #714 :

10 Defendants : NO. 15-cv-5209

11 - - -
 12 January 14, 2016
 13 - - -

14 Oral deposition of DETECTIVE DAVID
 15 SHERWOOD, taken pursuant to notice, was held
 16 at the City of Philadelphia-Law Department,
 17 1515 Arch Street, 14th Floor, Philadelphia,
 18 Pennsylvania 19102, commencing at 2:15 p.m.,
 19 on the above date, before Susan B.
 20 Berkowitz, a Registered Professional
 21 Reporter and Notary Public in the
 22 Commonwealth of Pennsylvania.
 23 - - -
 24

1 APPEARANCES:

2

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Counsel for Defendants

12

13

14 ALSO PRESENT: OFFICER ROBERT WHITTAKER

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1 I N D E X

2 Testimony of: Detective David Sherwood
3 By Mr. McDermott. 5, 25, 36
4 By Mr. Shotland. 24, 36
5
6

7 - - -
8 E X H I B I T S
9 - - -
10

11 NO. DESCRIPTION PAGE
12
13 (There were no exhibits marked at this time.)
14
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1	DEPOSITION SUPPORT INDEX		
2			
3	Direction to Witness Not to Answer		
4	Page Line	Page Line	Page Line
5	None		
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7			
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9	Request for Production of Documents		
10	Page Line	Page Line	Page Line
11	None		
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15	Stipulations		
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20			
21	Question Marked		
22	Page Line	Page Line	Page Line
23	None		
24			

DET. SHERWOOD

5

1 (It is hereby stipulated and
2 agreed by and between counsel that
3 signing, sealing, filing and
4 certification are waived; and that
5 all objections, except as to the
6 form of questions, be reserved until
7 the time of trial.)

8 - - -

9 DETECTIVE DAVID SHERWOOD, after
10 having been duly sworn, was examined
11 and testified as follows:

12 - - -

13 EXAMINATION

14 - - -

15 BY MR. McDERMOTT:

16 Q. My name, for the record, is
17 Michael McDermott. I represent Durant
18 Tisdale. Today we're going to be taking
19 your deposition. So I'll give you some
20 brief instructions.

21 Detective, have you given a
22 deposition before?

23 A. Yes.

24 Q. So you know that it's an oral

DET. SHERWOOD

6

1 answer and oral response type of thing?

2 A. Yes.

3 Q. I know that you were working
4 last night. But outside of that, have you
5 taken any medication or narcotics, or
6 anything that would keep you from
7 understanding anything that I'll be asking
8 you?

9 A. No.

10 Q. If you have any questions of me
11 during this, please stop me. You can either
12 talk to your attorney about them, or me
13 about them. We'll get through them so that
14 we can go on with the deposition.

15 If you don't understand the
16 question, tell me you don't understand the
17 question. I'll repeat it or rephrase it in
18 a way that you will. If I'm looking down
19 and I'm mumbling, because I'm looking down
20 at a sheet or something, stop me and tell me
21 you can't hear me. I'll repeat the question.

22 Okay?

23 A. Okay.

24 Q. Any reason why we can't go on

DET. SHERWOOD

7

1 with the deposition at this time?

2 MR. SHOTLAND: One instruction I
3 think will help. You have to wait
4 until he's finished asking his
5 question before you begin your
6 answer, because the court reporter
7 can't take you both down at the same
8 time.

9 THE WITNESS: Yes.

10 BY MR. McDERMOTT:

11 Q. The first question is: Where
12 are you currently working? What's your
13 assignment?

14 A. My assignment is East Detectives.

15 Q. Sitting here today, if I told
16 you I represent Durant Tisdale, does that
17 name bring back any recollection of the
18 night he was arrested?

19 A. Not really.

20 Q. I see that in front of you you
21 have some reports that I'm sure counsel has
22 given you. Did you review them --

23 A. Yes.

24 Q. -- prior to this?

DET. SHERWOOD

8

1 A. Yes.

2 Q. Did that help you recall
3 anything?

4 A. Yes.

5 Q. Okay. And that actually gave
6 you a recollection, or just looking at the
7 notes here?

8 A. I remember the incident.

9 Q. Okay. Tell me about the
10 incident. You're a party in it.

11 A. I interviewed Police Officer
12 Gibson as a result of an arrest he made. I
13 also interviewed a witness by the name of
14 Brenda Lee. She witnessed the incident
15 happen. And I prepared the Police Arrest
16 Report, otherwise known as the PARS.

17 Q. Brenda Lee was a witness to the
18 incident?

19 A. Correct.

20 Q. Or she claimed to be a witness
21 to the incident, correct?

22 A. Right.

23 Q. But she was a witness to,
24 allegedly, my client doing something to

DET. SHERWOOD

9

1 somebody else's house, right?

2 A. Her neighbor's house. Yes.

3 Q. What was the name of her
4 neighbor?

5 A. If I can refer to the 75-48, it
6 was Brian Stewart.

7 Q. Did you ever meet with Brian
8 Stewart?

9 A. No, I did not.

10 Q. Did you ever talk with Brian
11 Stewart on the phone, or in any other way?

12 A. I attempted to call, and never
13 got through to him.

14 Q. The number for Brian Stewart,
15 was that given to you by the witness, Brenda
16 Lee?

17 A. No. It was on the 75-48. And
18 Brenda Lee stated that it was her cousin's
19 house.

20 Q. Okay. You met with Brenda Lee
21 in person?

22 A. Correct, face-to-face interview.

23 Q. She was brought in by the
24 officers?

DET. SHERWOOD

10

1 A. Correct.

2 Q. What did she tell you?

3 A. She told me that she was out in
4 front of her house at 2216 Delhi Street;
5 that she seen a male bend down at her
6 neighbor's house. She noticed there was a
7 shopping cart on the sidewalk. She ran and
8 grabbed her phone. And when she came back
9 out, the man was walking away with the
10 shopping cart. She noticed that a window
11 grate was missing from, like, a basement
12 window.

13 She called 911, gave the
14 description and the location of the male.
15 She then stepped into her car and followed
16 the male while on the phone with 911. She
17 observed the police stop the male at 11th
18 and Arizona Street. And she told the male
19 -- or she told the police that the male they
20 stopped was the one that she seen taking the
21 window grate.

22 Q. Now, the house that the window
23 grate was taken from was her cousin's house,
24 Brian Stewart, correct?

DET. SHERWOOD

11

1 A. Correct.

2 Q. Did she give you a description
3 of what the window grate looked like?

4 A. No. The grate was not recovered.

5 Q. Did you ever go out to Brian
6 Stewart's house to see the window?

7 A. No.

8 Q. The grate was not recovered.
9 Was the shopping cart ever recovered?

10 A. I don't know.

11 Q. She identified to the police my
12 client, Durant Tisdale, right?

13 A. Correct.

14 Q. And did you ask her what Mr.
15 Tisdale did with the grate and/or the
16 shopping cart?

17 A. No. She would have told me
18 while, you know, I was interviewing her as
19 to what happened, where the grate went or
20 where the shopping cart went.

21 Q. So it was your understanding, at
22 the time that you were speaking to her and
23 taking her statement, that no evidence had
24 been recovered?

DET. SHERWOOD

12

1 A. Correct.

2 Q. And no tools or anything that
3 Mr. Tisdale could have used to remove this
4 grate were found on him; is that correct?

5 A. To the best of my knowledge,
6 yes. Nothing was recovered from him.

7 Q. Now, did you speak to Officer
8 Whittaker and Officer Gibson on that night?

9 A. I interviewed Police Officer
10 Gibson.

11 Q. And what did Police Officer
12 Gibson tell you?

13 A. He told me his tour of duty and
14 assignment on that night. He had worked the
15 6p to 2a. District 22, Bike 11. He was on
16 patrol with his partner, Police Office
17 Whittaker. They were in full uniform and
18 operating a marked police vehicle. They
19 received a radio call of a theft in progress
20 at 2200 Delhi. Flash information had been
21 given over police radio of a black male
22 wearing a black shirt, white hat, last seen
23 in the area of 10th and Dakota. Police also
24 surveyed the area and observed the defendant

DET. SHERWOOD

13

1 and witness at 1000 Arizona Street.

2 Upon their investigation, the
3 witness stated to police that she observed
4 the defendant take a white grate from the
5 basement window at 2200 Delhi Street.

6 Police placed the defendant in custody. No
7 grate was recovered from the defendant.

8 With help from the witness, Police Officer
9 Gibson was able to contact Brian Stewart,
10 the owner of the property, by cell phone.
11 Defendant was transported to Detectives for
12 processing.

13 Q. And that's how you got his phone
14 number, from Officer Gibson?

15 A. It was on the 48 that was
16 provided; yes.

17 Q. So Officer Gibson, as far as you
18 know, had the opportunity to speak to Brian
19 Stewart?

20 A. Correct.

21 Q. And did Officer Gibson report
22 that Brian Stewart gave no one permission to
23 take a grate from his window?

24 A. The witness had given me that.

DET. SHERWOOD

14

1 I asked her had she spoke to Brian that
2 night. She stated yes. And I asked -- I
3 said, Did he give the male permission to
4 take the grate? She said, No.

5 Q. Okay. So 2200 North Delhi
6 Street -- that's how you pronounce Delhi,
7 right?

8 A. Right.

9 Q. Aaron and I were wondering how
10 you actually pronounce that.

11 You're familiar with that street?

12 A. A little bit; yes.

13 Q. Okay. And the neighborhood
14 surrounding it?

15 A. Kind of; yeah.

16 Q. How far is 2200 North Delhi
17 Street from 1000 -- is it Arizona?

18 A. Arizona. I'm going to say about
19 four or five blocks.

20 Q. Okay. So it's walking distance?

21 A. Yeah, walking distance.

22 Q. And you were talking about
23 Brenda Lee staying on the phone with 911 --

24 A. Mm-hmm.

DET. SHERWOOD

15

1 Q. -- and speaking to them
2 throughout the entire time?

3 A. Yes. That's what she stated.

4 Q. Did you ever review the 911
5 tapes?

6 A. No.

7 Q. This incident is actually some
8 time back. Did you ever order them?

9 A. No.

10 Q. Are they something, as far as
11 you know from your experience, that would
12 still be available today?

13 A. No.

14 Q. They get rid of them after a
15 certain amount of time?

16 A. I believe -- yeah. I believe
17 it's 60 days. 90 days? I believe it's 90
18 days.

19 Q. You were the assigned detective?

20 A. Correct.

21 Q. Now, as the assigned detective,
22 you would put together a discovery package --

23 A. Correct.

24 Q. -- for the DA's office?

DET. SHERWOOD

16

1 A. Yes.

2 Q. And you're telling me that the
3 911 tapes are not part of that?

4 A. Correct.

5 Q. So in this case, or in any case,
6 generally speaking, there will be what's
7 called a 229 prepared?

8 A. Correct.

9 Q. And in this case was a 229
10 prepared?

11 A. Yes.

12 Q. Does it have a description of
13 what the defendant was wearing?

14 A. No. No clothing description was
15 provided.

16 Q. And who fills that out?

17 A. The arresting officer.

18 Q. So that would be Officer Gibson,
19 in this case?

20 A. Officer Gibson or his partner.

21 Q. But that was not done in this
22 case?

23 A. No.

24 Q. So we don't have an actual

DET. SHERWOOD

17

1 description of what they saw him wearing?

2 A. No.

3 Q. And other than the arrest photo
4 of the defendant, there's no other
5 photographs of him, correct?

6 A. Correct.

7 Q. Now, that photograph -- did you
8 see the defendant on the night of his arrest?

9 A. No, I did not.

10 Q. So you don't know if that's
11 from that night or not?

12 A. Correct.

13 Q. Is there anything on the
14 paperwork that tells you that that's
15 actually his arrest photograph?

16 A. It says -- it has an arrest date
17 of July 6, 2013, 8:21 a.m., which would be
18 his photograph from this incident.

19 Q. Okay. Now, if somebody is
20 arrested, and they're arrested, you know,
21 three or four different times over a spanned
22 period of time --

23 A. Yes.

24 Q. -- do they get a new photograph?

DET. SHERWOOD

18

1 A. Yes.

2 Q. Every single time they get
3 arrested?

4 A. Yes.

5 Q. So that would be from the --

6 A. From the current time; yes.

7 Q. Obviously, over the course of
8 your career as an officer, going from an
9 officer up to the grade of detective, you
10 had a lot of different training?

11 A. Sure.

12 Q. What, if any, training are you
13 given regarding probable cause?

14 A. It goes on the witness'
15 statement. And in this particular case, you
16 know, she had seen him take the grate. She
17 went and got her phone, called 911, followed
18 him until the police arrived.

19 Q. Now, while she's following him,
20 does he still have the grate?

21 A. I don't know. She didn't say
22 that.

23 Q. She didn't say that. So he was
24 arrested in this case. He was already

DET. SHERWOOD

19

1 arrested by the time he met with you, right?

2 A. Yes. He had been brought in to
3 our division. Yes.

4 Q. Did you take a statement from
5 him?

6 A. No, I did not.

7 Q. In his biographical information,
8 is there anything about him having a job?

9 A. No.

10 Q. Do you know if he had a job or
11 not, from interviewing anyone?

12 A. No.

13 Q. So you're saying that under
14 Philadelphia protocol training, a site
15 arrest, despite no other evidence being
16 collected, can be based just on a witness'
17 information?

18 A. True.

19 Q. What would change that, if
20 anything, under the protocol?

21 A. What would change?

22 Q. Is there any protocol where you
23 wouldn't just rely on the statement of a
24 witness?

DET. SHERWOOD

20

1 A. If we observed it.

2 Q. Okay. Well, that would be
3 yourself?

4 A. Right, that would be ourselves.
5 Right. Witnesses, complainants. That's
6 what the job stands on.

7 Q. Well, is it normal for the
8 Philadelphia police to arrest someone just
9 on one person's word?

10 MR. SHOTLAND: Objection to
11 form.

12 You can answer.

13 THE WITNESS: Yes.

14 BY MR. McDERMOTT:

15 Q. It's my understanding, and tell
16 me if I'm wrong, that for purposes of the
17 first listing of a case where a preliminary
18 hearing indicates a felony, or just a trial
19 listing in municipal court, the assigned is
20 to reach out to the witnesses to let them
21 know to be there.

22 Is that correct?

23 A. I've never done it in the four
24 years I've been a detective.

DET. SHERWOOD

21

1 Q. So you rely on the DA's office --

2 A. Correct.

3 Q. -- to take your information and
4 subpoena the people or make sure that they're
5 there?

6 A. Correct.

7 Q. So on the date of the arrest,
8 you never saw the defendant and never
9 attempted to contact the witness to come to
10 court?

11 A. Correct.

12 Q. And the only witness you ever
13 contacted was Brian Stewart, without success?

14 A. Correct.

15 Q. Why was no statement attempted
16 to be gotten from the defendant in this
17 matter?

18 A. We were extremely busy that
19 night.

20 Q. So that could be one reason why
21 you want to take a statement?

22 A. Right.

23 Q. Is there another type of reason?

24 A. If I were to go down and ask the

DET. SHERWOOD

22

1 individual, in this case it would be Tyrone
2 or --

3 Q. Durant --

4 A. Durant Tisdale.

5 Q. Right.

6 A. If they would request a lawyer,
7 or if he was still intoxicated or high on
8 drugs, those would be the reasons I wouldn't
9 take his statement from him.

10 Q. But you're saying your recall is
11 that it was too busy?

12 A. Yes.

13 Q. You had no reason to believe
14 that he was high on drugs --

15 A. No.

16 Q. -- alcohol, or anything of that
17 type?

18 A. No. I never interviewed him.

19 Q. You never interviewed him.

20 So you filled out the paperwork
21 that night, and that was basically the end
22 of it?

23 A. I did the interviews and the
24 PARS report and the investigative report,

DET. SHERWOOD

23

1 which would be the 75-49. I put the packet
2 together and I saved it into the PINN, and
3 it went to the DA's office.

4 Q. Did you ever ask either Officer
5 Gibson or Office Whittaker what they did in
6 attempting to find any evidence?

7 MR. SHOTLAND: When you say
8 "evidence," you mean physical
9 evidence, right?

10 MR. McDERMOTT: Yes. And, more
11 specifically, whether any evidence --
12 including the grate and the shopping
13 cart that was talked about.

14 THE WITNESS: In their
15 interview, the grate would have been
16 mentioned, and then I would have put
17 it down.

18 BY MR. McDERMOTT:

19 Q. Did either Officer Gibson or
20 Office Whittaker ever tell you that the
21 defendant stated anything to that?

22 A. No.

23 Q. So he never, as far as you know
24 in preparing the work, admitted that he had

DET. SHERWOOD

24

1 any involvement in reference to this grate
2 and the taking of the grate?

3 A. Not to my knowledge, no.

4 Q. And nobody went out the next day
5 in the light of day to search for the grate,
6 or anything like that?

7 A. No.

8 Q. Did anybody take photographs of
9 my client's hands to see if he had any paint
10 or anything on his hands that may have come
11 from pulling off a metal grate?

12 A. No.

13 MR. McDERMOTT: I have no other
14 questions. Thank you.

15 MR. SHOTLAND: I have one or two.

16 - - -

17 EXAMINATION

18 - - -

19 BY MR. SHOTLAND:

20 Q. When you gathered all the
21 information that you gathered from the
22 officers, and you interviewed the witness,
23 you said you put that information in the
24 PINN and it went to the DA; is that right?

DET. SHERWOOD

25

1 A. Correct, the charging unit.

2 Q. And who initiates the charge, or
3 who initiated the charge in this case
4 against Durant Tisdale? Was it you or was
5 it the DA's office?

6 A. The DA's office.

7 MR. SHOTLAND: That's all I have.

8 MR. McDERMOTT: Just a couple
9 follow-up questions. I meant to do
10 this.

11 - - -

12 EXAMINATION

13 - - -

14 BY MR. McDERMOTT:

15 Q. Can you tell us everything you
16 have in front of you, just so we have it on
17 the record? We have all the exhibits. We
18 don't need to have them all marked.

19 A. Sure. I have the interview of
20 Police Officer Gibson, the 229, the
21 Biographical Information Report, the
22 interview of Brenda Lee, the 75-48, the
23 PARS report -- Police Arrest Report --
24 and a picture or photograph of Durant

DET. SHERWOOD

26

1 Tisdale, a copy of the 75-48.

2 THE WITNESS: And I don't know
3 if you meant to give that to me or
4 not (indicating).

5 MR. SHOTLAND: I mean, it's not
6 something you relied upon, right?

7 THE WITNESS: No.

8 MR. SHOTLAND: It's just a
9 concise officer history.

10 MR. McDERMOTT: Can I see it for
11 a minute?

12 MR. SHOTLAND: Sure.

13 MR. McDERMOTT: This is for
14 Officer Gibson.

15 MR. SHOTLAND: It's not his.

16 MR. McDERMOTT: So we'll put
17 that aside. I can hold onto that.

18 MR. SHOTLAND: Sure.

19 BY MR. McDERMOTT:

20 Q. Now, in reference to counsel
21 asking you some questions about charging --

22 A. Yes.

23 Q. -- the Philadelphia District
24 Attorney's Office has its own charging unit?

DET. SHERWOOD

27

1 A. Correct.

2 Q. And as of the date of this
3 accident, and sometime before, they had
4 taken over the charging of the crimes in
5 reference to any arrest?

6 A. Sure.

7 Q. So your job, the police officer's
8 job, your job, had changed from suggesting
9 what crimes should be charged, to simply
10 giving over the facts of what happened, and
11 then they determine what charges will go
12 with that?

13 A. Correct.

14 Q. Okay. So there was a time, if
15 I recall, that the police actually did
16 the charging themselves without -- a long
17 time ago, maybe, before --

18 A. Probably before my career, and
19 I'm going on 21 years.

20 Q. But as of the time that the
21 charges are going over, the defendant is
22 already under arrest?

23 A. Correct.

24 Q. What, if any, discretion do you

DET. SHERWOOD

28

1 have in saying these are the facts, he
2 shouldn't be charged, let him go?

3 A. Once it goes to the DA's office,
4 it's in their hands.

5 Q. No. But I'm talking more when
6 you're doing your investigation and you put
7 all this in front of you.

8 A. Right.

9 Q. What discretion do you have, as
10 a Philadelphia detective in your assignment,
11 to say, you know what, we're not even
12 sending it over to the DA's office, set him
13 loose?

14 A. I can use discretion. Yes.

15 Q. And in this case, you did use
16 your discretion and say, you know what, send
17 it over to them?

18 A. There is enough here. Yes.

19 Q. So there's a pivotal point in
20 your job, that you actually make the
21 determination of whether there's enough to
22 seek charges against him?

23 MR. SHOTLAND: Objection.

24 But you can answer.

DET. SHERWOOD

29

1 THE WITNESS: Yes.

2 BY MR. McDERMOTT:

3 Q. And what is that? Where did you
4 get that authority from?

5 A. I call the District Attorney's
6 office regarding the charging unit, and I
7 can run what I have in front of me by them,
8 and ask for their opinion to see if there's
9 enough. In this case, I didn't. There's
10 enough off the eyewitness, as well as the
11 police officer.

12 Q. But just so I have this right,
13 if you feel there's not enough evidence, you
14 have the right to just say let him go?

15 A. I have to get clearance from my
16 supervision. I'd have to run it by the
17 sergeant, lieutenant; and, ultimately, they
18 would have me call the District Attorney's
19 charging unit.

20 Q. Okay. So when the decision is
21 going to be made that you don't think
22 there's going to be enough --

23 A. Mm-hmm.

24 Q. -- you're supposed to run it

DET. SHERWOOD

30

1 through --

2 A. Yes, consult with my supervisor.

3 Q. Consult with your supervisor,
4 who, in the end, based on your experience,
5 is going to say, you know what, call the
6 DA's office --

7 A. Correct.

8 Q. -- and talk to them?

9 A. Correct.

10 Q. But would you agree with me that
11 had you called the DA's office and told them
12 you don't think there's enough, they're not
13 going to disagree with you?

14 MR. SHOTLAND: Objection.

15 You're really asking him to
16 speculate.

17 MR. McDERMOTT: Well, let's do
18 it a different way. I'll withdraw
19 that question.

20 BY MR. McDERMOTT:

21 Q. In your experience, if you don't
22 think there's enough, but doing what you
23 believe to be correct in calling them, when
24 you tell them you don't think there's

DET. SHERWOOD

31

1 enough, generally, do they say, that's fine
2 with us, kick him loose?

3 A. Yes.

4 Q. So I take it there's times you
5 call the charging unit.

6 A. Not often.

7 Q. Okay. But when you do call the
8 charging unit --

9 A. Right.

10 Q. -- you're going to know some of
11 the ADA's assigned to the charging unit, or
12 you're not going to know them, or somewhere
13 in between?

14 A. Yes.

15 Q. But hearing from a detective
16 that you have these facts, on the times that
17 you've called before, they've always
18 followed your lead?

19 A. Correct.

20 Q. Okay. So you never called and
21 said, these are the facts, I don't want to
22 arrest this guy; and they would have said,
23 you know, we disagree?

24 A. I never called on this case, no.

DET. SHERWOOD

32

1 Q. No, on any case, I'm talking
2 about. In your past experience, every time
3 you have called, they've always agreed with
4 you and said don't arrest him?

5 MR. SHOTLAND: Objection. I
6 don't think that's what he said.

7 BY MR. McDERMOTT:

8 Q. Okay. I'm confused then. What
9 I'm asking you is, not on this case, but in
10 general --

11 A. Right.

12 Q. -- there's been times in your
13 career when you called the charging unit --

14 A. Correct.

15 Q. -- and told the charging unit,
16 or whichever ADA you were speaking to, that,
17 I have this case --

18 A. Mm-hmm.

19 Q. -- I've spoken to the officers
20 and I've spoken to the witnesses, I don't
21 think there's enough to charge this man or
22 this woman.

23 Right?

24 A. Correct.

DET. SHERWOOD

33

1 Q. And on those occasions that
2 you've done that, I'm asking: Has the ADA
3 in the office always agreed with your --

4 A. No.

5 Q. Okay. So there have been times
6 previous to this when you said, I don't
7 think you should charge this guy. And they
8 said, you know what, send it over anyway?

9 A. Correct.

10 Q. But in this case, you never
11 bothered to call because, in your mind,
12 there was enough probable cause to arrest?

13 A. Correct.

14 Q. Based on your training from the
15 police department that a person saying they
16 saw a crime occur is enough to arrest them?

17 A. That's correct.

18 Q. Because that's all you had in
19 this case. You would agree with that?

20 A. I would agree with that; yes.

21 Q. I mean, you have officers that
22 go out and do their job. In this case they
23 reported to you. But in the end, the
24 evidence simply shows this lady, Mrs. Lee,

DET. SHERWOOD

34

1 says that he stole a grate?

2 MR. SHOTLAND: Objection.

3 BY MR. McDERMOTT:

4 A. That's enough to arrest?

5 MR. SHOTLAND: You can answer.

6 THE WITNESS: Yes.

7 BY MR. McDERMOTT:

8 Q. And that's what you relied on?

9 A. Correct.

10 Q. So it really comes down to you
11 relying, in reference to probable cause,
12 simply on what this lady told you when she
13 was sitting in front of you?

14 MR. SHOTLAND: Objection.

15 You can answer.

16 MR. McDERMOTT: Your objection
17 is?

18 MR. SHOTLAND: I don't think
19 it's accurate as to what he said.
20 He didn't just rely on the witness'
21 testimony. He relied on the
22 officers and what they saw.

23 BY MR. McDERMOTT:

24 Q. Is that true what counsel just

DET. SHERWOOD

35

1 said?

2 A. Correct.

3 Q. What about what the
4 officers said -- and in this case, Officer
5 Gibson, because that's the only officer you
6 talked to -- did you rely on for probable
7 cause?

8 A. On what he told me the witness
9 had told him.

10 Q. Okay. So the same -- and,
11 basically --

12 A. Same theory.

13 Q. Same thing that she said to him
14 is what she said to you?

15 A. Correct.

16 Q. So that's all you relied on?

17 A. That's correct.

18 MR. McDERMOTT: I have no other
19 questions.

20 MR. SHOTLAND: I mean, just to
21 follow up on that.

22 - - -

23 EXAMINATION

24 - - -

1 BY MR. SHOTLAND:

2 Q. Officer Gibson was able to tell
3 you that Durant Tisdale was at the scene of
4 the arrest, correct?

5 A. That's correct, and the witness
6 had pointed him out.

7 MR. SHOTLAND: That's all.

8 - - -

9 EXAMINATION

10 - - -

11 BY MR. McDERMOTT:

12 Q. And the scene, when you're
13 referencing the scene --

14 A. Scene of the crime.

15 Q. Durant Tisdale was never seen at
16 the 2200 block of North Delhi Street --

17 A. Right.

18 Q. -- by Officer Gibson, at any
19 time, right?

20 A. To my knowledge, right.

21 MR. McDERMOTT: Thanks a lot.

22 (Witness excused.)

23 (Whereupon, the deposition
24 concluded at 2:42 p.m.)

1 CERTIFICATE

2 I HEREBY CERTIFY that the witness was
3 duly sworn by me and that the deposition is
4 a true record of the testimony given by the
5 witness.

6

7

8

9

10 -----
Susan B. Berkowitz, a
11 Registered Professional Reporter
and Notary Public
12 Dated: January 25, 2016

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(The foregoing certification
18 of this transcript does not apply to any
19 reproduction of the same by any means,
20 unless under the direct control and/or
21 supervision of the certifying
22 reporter.)

23

24

1 IN THE COURT OF COMMON PLEAS
 2 PHILADELPHIA COUNTY, PENNSYLVANIA
 - - -

3 DURANT TYRONE TISDALE : CIVIL ACTION
 Plaintiff :

4 V. :

5 : :
 6 CITY OF PHILADELPHIA- :
 LAW DEPARTMENT and :
 PHILADELPHIA POLICE :
 7 OFFICER TIMOTHY GIBSON, :
 BADGE #4742 :

8 and :
 PHILADELPHIA POLICE :
 9 OFFICER DAVID SHERWOOD, :
 BADGE #714 :

10 Defendants : NO. 15-cv-5209

11 - - -

12 January 14, 2016

13 - - -

14 Oral deposition of OFFICER ROBERT
 15 WHITTAKER, taken pursuant to notice, was
 16 held at the City of Philadelphia-Law
 17 Department, 1515 Arch Street, 14th Floor,
 18 Philadelphia, Pennsylvania 19102, commencing
 19 at 3:20 p.m., on the above date, before
 20 Susan B. Berkowitz, a Registered
 21 Professional Reporter and Notary Public in
 22 the Commonwealth of Pennsylvania.

23 - - -

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2

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12

13 ALSO PRESENT: OFFICER GIBSON

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1 I N D E X

2 Testimony of: Officer Robert Whittaker
 3 By Mr. McDermott 5

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E X H I B I T S

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- - -

10

11 NO. DESCRIPTION PAGE

12

13 (There were no exhibits marked at this time.)

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1	DEPOSITION SUPPORT INDEX		
2			
3	Direction to Witness Not to Answer		
4	Page Line	Page Line	Page Line
5	None		
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7			
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9	Request for Production of Documents		
10	Page Line	Page Line	Page Line
11	None		
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15	Stipulations		
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17	5	1-7	
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19			
20			
21	Question Marked		
22	Page Line	Page Line	Page Line
23	None		
24			

OFFICER WHITTAKER

5

1 (It is hereby stipulated and
2 agreed by and between counsel that
3 signing, sealing, filing and
4 certification are waived; and that
5 all objections, except as to the
6 form of questions, be reserved until
7 the time of trial.)

8 - - -

9 OFFICER ROBERT WHITTAKER, after
10 having been duly sworn, was examined
11 and testified as follows:

12 - - -

13 EXAMINATION

14 - - -

15 BY MR. McDERMOTT:

16 Q. Officer Whittaker, did you hear
17 the various instructions that were given to
18 Officer Gibson?

19 A. I did.

20 Q. Do you need any clarification on
21 them?

22 A. I do not.

23 Q. Okay. Have you ever been
24 deposed before?

OFFICER WHITTAKER

6

1 A. No, I haven't.

2 Q. But you've given testimony in
3 court under oath?

4 A. Correct.

5 Q. You were on duty with Officer
6 Gibson on July 5th of 2013, correct?

7 A. That's correct.

8 Q. You came in contact with Brenda
9 Lee?

10 A. That's correct.

11 Q. What do you recall Brenda Lee
12 telling you about what happened?

13 A. How I recall it was, I believe a
14 police radio gave out the flash, black male,
15 black shirt, white hat. I believe Brenda
16 Lee was still on the phone with police
17 radio, giving out the location she last saw
18 the male, and I believe that was 10th and
19 Dakota. We were on our way there when we
20 observed Mr. Durant (sic) with a black shirt
21 and white hat on. We stopped him. Actually,
22 we exited the vehicle. And when we
23 exited the vehicle, and simultaneously
24 stopped him, Brenda Lee was there,

OFFICER WHITTAKER

7

1 stating, That's the man, that's the one,
2 that's the one. And we stopped Mr. Tisdale.

3 Q. Let me ask you a question. When
4 you're on patrol --

5 A. Correct.

6 Q. -- you're hearing radio calls
7 over 911 pretty much the whole night,
8 correct?

9 A. Correct.

10 Q. If Brenda Lee is telling 911
11 something, do you hear Brenda Lee's voice?

12 A. No.

13 Q. Okay. So Brenda Lee could tell
14 911 dispatch whatever she wants to tell
15 them, and then dispatch talks to you?

16 A. Correct.

17 Q. So you're saying that you recall
18 that she was on the phone with 911 in the
19 area of 10th and Dakota?

20 A. I believe. And if I can look at
21 Mrs. Lee's statement to Detectives, I think
22 she says it here that she was on the phone
23 -- she stayed on the phone with 911. So,
24 yes, she was on the phone with 911.

OFFICER WHITTAKER

8

1 Q. Now, you also stated that you
2 knew her to be on the phone with 911 at
3 10th and Dakota.

4 A. To my best recollection, she was
5 on the phone with 911, giving radio flash
6 information as to where she last saw the
7 male and where the male was.

8 Q. So that's how 10th and Dakota
9 came up, because Brenda Lee gave information
10 that that's where he was?

11 MR. SHOTLAND: Objection.

12 But you can answer, if you can.

13 THE WITNESS: Yes.

14 BY MR. McDERMOTT:

15 Q. Okay. And if you're at 10th and
16 Dakota, right, how would you get to a point
17 where you're walking west on Arizona?

18 A. Well, 10th and Dakota, 11th
19 and Arizona -- it's about half a block south
20 and a block west of where we stopped Mr.
21 Tisdale.

22 Q. Okay.

23 A. And that would be in the
24 direction -- it would be walking away.

OFFICER WHITTAKER

9

1 Like, Delhi would be here (indicating), 10th
2 and Dakota would be here (indicating), and
3 11th and Arizona would be here (indicating).
4 So, like, yeah, it's like an L.

5 Q. So did you ever ask Brenda Lee,
6 What did he do with the grate?

7 A. To my recollection, no. I can't
8 remember specifics of what was asked and
9 what was said on the scene, as far as that.
10 We did survey for the grate.

11 Q. Okay. What area did you survey?

12 A. I believe that's the 1000 block
13 of Arizona to about 10th and Dakota, which
14 is only about half a block away.

15 Q. We're talking about a grate,
16 and looking for the grate?

17 A. That's correct.

18 Q. In her statement to the
19 detective, she said that he had a shopping
20 cart, and that the grate was in the shopping
21 cart.

22 Did you know about the shopping
23 cart when you were in contact with Brenda
24 Lee and Durant Tisdale?

OFFICER WHITTAKER

10

1 A. I can't recall. If she said it
2 was a grate or a shopping cart -- it was in
3 the shopping cart -- I don't recall.

4 Q. So you were surveying the area
5 for a grate, not a shopping cart?

6 A. I cannot recall. This was three
7 years ago. Whether she said it was a
8 shopping cart -- if that's in the paperwork,
9 that it said it was a shopping cart, I would
10 assume that I would be looking for a
11 shopping cart. But if it says "grate" in
12 the paperwork, I was looking for a grate.

13 Q. The 48, can you read your
14 partner's handwriting?

15 A. Yes.

16 Q. Is there anything in there about
17 asking her any questions about the evidence;
18 the grate and/or shopping cart?

19 A. It doesn't say whether she was
20 asked the question. It wouldn't usually be
21 in the 48, if there was a question.

22 Q. Where would it be?

23 A. It would probably be in the
24 statement to the detective. Then, again,

OFFICER WHITTAKER

11

1 that's more of an interview a detective
2 would probably give, as far as putting it on
3 paper or stuff.

4 Q. I mean, did you give a statement
5 to the detective?

6 A. The detective felt my partner's
7 statement would be enough.

8 Q. The biographical information
9 sheet, do you recognize that?

10 A. I do.

11 Q. Is that your handwriting?

12 A. I can't -- I'm not sure. I
13 don't think so.

14 Q. You're looking at handwriting.
15 But you can't judge whether it's yours or
16 not? But you don't think it is?

17 A. It's chicken scratch. It could
18 be mine. If there was a back side to this,
19 that would solve the problem.

20 Q. Is there a back side to the
21 biographical sheet?

22 A. There usually is, but I don't
23 see one.

24 Q. Would you sign off on the back

OFFICER WHITTAKER

12

1 side?

2 A. You would sign off on the back
3 side.

4 Q. Okay. But you agree that
5 there's no information about the clothes he
6 was wearing?

7 A. Yes.

8 Q. Do you recall what color his
9 pants were?

10 A. If it was -- no, I don't recall.
11 But like my partner said -- there was a 48A.
12 It would all be on that.

13 Q. Is it ever recorded anywhere,
14 for police paperwork purposes, what else the
15 person has, such as a wallet, money, or
16 anything like that?

17 A. That would be on the property
18 receipt or the slip that he gets once he
19 goes into a cell.

20 Q. Okay. So that's stuff that he
21 hands over for purposes of --

22 A. Right. They're not going to let
23 anybody go into a cell with their wallet or
24 shoelaces.

OFFICER WHITTAKER

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1 Q. That's not something you do,
2 though?

3 A. That would be something the
4 Turnkey Detective Division does.

5 Q. How long were you a police
6 officer as of that date?

7 A. That date? Three years. Give
8 or take three years.

9 Q. What was your training in
10 reference to probable cause?

11 A. Philadelphia Police Academy.

12 Q. And give me your definition of
13 what probable cause is?

14 A. The reasonable suspicion that a
15 crime had been committed; that a reasonable
16 person had seen a crime being committed.

17 Q. And you believed on that night
18 that Mr. Tisdale had committed a crime?

19 A. I believed, yes, that night.
20 The witness seemed very credible and was
21 pretty persistent, as far as following the
22 male, but, yes, that a crime had been
23 committed.

24 Q. And you knew that when you were

1 out on the street that she had been
2 persistent in following him?

3 A. Due to her giving flash
4 information over 911 and actually being on
5 the scene as we stopped the male; and
6 simultaneously, she seemed pretty adamant
7 that this male had committed a crime. And
8 I felt good enough to take that down to
9 Detectives.

10 MR. McDERMOTT: I have no other
11 questions.

12 MR. SHOTLAND: I don't have any
13 questions.

14 (Witness excused.)

15 (Whereupon, the deposition
16 concluded at 3:30 p.m.)

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1 CERTIFICATE

2 I HEREBY CERTIFY that the witness was
3 duly sworn by me and that the deposition is
4 a true record of the testimony given by the
5 witness.

6

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10 -----
Susan B. Berkowitz, a
11 Registered Professional Reporter
and Notary Public
Dated: January 25, 2016

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18 of this transcript does not apply to any
19 reproduction of the same by any means,
20 unless under the direct control and/or
21 supervision of the certifying
22 reporter.)

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